

Reserve
KFI
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no. 17
Apr 27,
1990

KFI 1235 .A21
v. 14
no. 17
Illinois register
Received on: 05-09-90



JIM EDGAR
Secretary of State

VOLUME 14
ISSUE 17

A WEEKLY
PUBLICATION

APRIL 27
1990

Pages 5921-6456

Secretary of State
Administrative Code Div.
201 West Monroe
Springfield, IL 62756

(217) 782-9786

NOIS REGISTER

Rules of Governmental Agencies

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Printed by Authority of the
State of Illinois
April, 1990 - 890 - GA-1292

REGISTER PUBLICATION SCHEDULE 1990

Publication Date	Volume	Issue	Page Count	Price	Subscription Price	Single Copy Price
Jan 15, 1990	1	1	128	\$2.50	\$25.00	\$2.50
Jan 22, 1990	1	2	128	\$2.50	\$25.00	\$2.50
Jan 29, 1990	1	3	128	\$2.50	\$25.00	\$2.50
Feb 5, 1990	1	4	128	\$2.50	\$25.00	\$2.50
Feb 12, 1990	1	5	128	\$2.50	\$25.00	\$2.50
Feb 19, 1990	1	6	128	\$2.50	\$25.00	\$2.50
Feb 26, 1990	1	7	128	\$2.50	\$25.00	\$2.50
Mar 5, 1990	1	8	128	\$2.50	\$25.00	\$2.50
Mar 12, 1990	1	9	128	\$2.50	\$25.00	\$2.50
Mar 19, 1990	1	10	128	\$2.50	\$25.00	\$2.50
Mar 26, 1990	1	11	128	\$2.50	\$25.00	\$2.50
Apr 2, 1990	1	12	128	\$2.50	\$25.00	\$2.50
Apr 9, 1990	1	13	128	\$2.50	\$25.00	\$2.50
Apr 16, 1990	1	14	128	\$2.50	\$25.00	\$2.50
Apr 23, 1990	1	15	128	\$2.50	\$25.00	\$2.50
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May 14, 1990	1	18	128	\$2.50	\$25.00	\$2.50
May 21, 1990	1	19	128	\$2.50	\$25.00	\$2.50
May 28, 1990	1	20	128	\$2.50	\$25.00	\$2.50
Jun 4, 1990	1	21	128	\$2.50	\$25.00	\$2.50
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Jun 18, 1990	1	23	128	\$2.50	\$25.00	\$2.50
Jun 25, 1990	1	24	128	\$2.50	\$25.00	\$2.50
Jul 2, 1990	1	25	128	\$2.50	\$25.00	\$2.50
Jul 9, 1990	1	26	128	\$2.50	\$25.00	\$2.50
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Aug 6, 1990	1	30	128	\$2.50	\$25.00	\$2.50
Aug 13, 1990	1	31	128	\$2.50	\$25.00	\$2.50
Aug 20, 1990	1	32	128	\$2.50	\$25.00	\$2.50
Aug 27, 1990	1	33	128	\$2.50	\$25.00	\$2.50
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Dec 17, 1990	1	49	128	\$2.50	\$25.00	\$2.50
Dec 24, 1990	1	50	128	\$2.50	\$25.00	\$2.50

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
Jan. 9, 1990	Jan. 16, 1990	4	Jan. 26, 1990	July 17, 1990	July 24, 1990	31	Aug. 3, 1990
Jan. 16, 1990	Jan. 23, 1990	5	Feb. 2, 1990	July 24, 1990	July 31, 1990	32	Aug. 10, 1990
Jan. 23, 1990	Jan. 30, 1990	6	Feb. 9, 1990	July 31, 1990	Aug. 7, 1990	33	Aug. 17, 1990
Jan. 30, 1990	Feb. 6, 1990	7	Feb. 16, 1990	Aug. 7, 1990	Aug. 14, 1990	34	Aug. 24, 1990
Feb. 6, 1990	Feb. 13, 1990	8	Feb. 23, 1990	Aug. 14, 1990	Aug. 21, 1990	35	Aug. 31, 1990
Feb. 13, 1990	Feb. 20, 1990	9	Mar. 2, 1990	Aug. 21, 1990	Aug. 28, 1990	36	Sept. 7, 1990
Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
Feb. 27, 1990	Mar. 6, 1990	11	Mar. 16, 1990	Sept. 4, 1990	Sept. 11, 1990	38	Sept. 21, 1990
Mar. 6, 1990	Mar. 13, 1990	12	Mar. 23, 1990	Sept. 11, 1990	Sept. 18, 1990	39	Sept. 28, 1990
Mar. 13, 1990	Mar. 20, 1990	13	Mar. 30, 1990	Sept. 18, 1990	Sept. 25, 1990	40	Oct. 5, 1990
Mar. 20, 1990	Mar. 27, 1990	14	Apr. 6, 1990	Sept. 25, 1990	Oct. 2, 1990	41	Oct. 12, 1990
Mar. 27, 1990	Apr. 3, 1990	15	Apr. 13, 1990	Oct. 2, 1990	Oct. 9, 1990	42	Oct. 19, 1990
Apr. 3, 1990	Apr. 10, 1990	16	Apr. 20, 1990	Oct. 9, 1990	Oct. 16, 1990	43	Oct. 26, 1990
Apr. 10, 1990	Apr. 17, 1990	17	Apr. 27, 1990	Oct. 16, 1990	Oct. 23, 1990	44	Nov. 2, 1990
Apr. 17, 1990	Apr. 24, 1990	18	May 4, 1990	Oct. 23, 1990	Oct. 30, 1990	45	Nov. 9, 1990
Apr. 24, 1990	May 1, 1990	19	May 11, 1990	Oct. 30, 1990	Nov. 5, 1990	46	Nov. 16, 1990
May 1, 1990	May 8, 1990	20	May 18, 1990	Nov. 5, 1990	Nov. 13, 1990	47	Nov. 26, 1990 (Mon.)
May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
May 29, 1990	June 5, 1990	24	June 15, 1990	Dec. 4, 1990	Dec. 11, 1990	51	Dec. 21, 1990
June 5, 1990	June 12, 1990	25	June 22, 1990	Dec. 11, 1990	Dec. 18, 1990	52	Dec. 28, 1990
June 12, 1990	June 19, 1990	26	June 29, 1990	Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991
June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pupil Transportation
- 2) Code Citation: 23 Ill. Adm. Code 275
- 3) Section Numbers: Proposed Action:
275.30 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.1, as amended by P.A. 86-508, effective January 1, 1990.

5) A Complete Description of the Subjects and Issues Involved:

This amendment was made necessary by enactment of P.A. 86-508, which relates to the requirement that each applicant for a school bus driver permit undergo an annual medical examination. The Act added drug and alcohol testing to the required elements of the examination. The present amendment to the rules for Pupil Transportation contains new provisions to implement the Act and sets forth the standards and procedures by which applicants may comply with the new requirements.

6) Will this proposed rule replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives:

The policy objective is to add to the existing rules the new requirements for drug and alcohol testing set forth in P.A. 86-508.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Ted Randall
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-5256

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 16, 1990.
- B) Types of small businesses affected: Bus and transportation companies serving Illinois schools.
- C) Reporting, bookkeeping or other procedures required for compliance: Small businesses which provide school bus drivers for Illinois schools must ensure that each driver has complied with the requirements for alcohol and drug tests established by these rules.
- D) Types of professional skills necessary for compliance: None.

The text of the proposed amendment is identical to the text of the emergency amendment which appears in this edition of the Illinois Register at page 6413:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN2) Code Citation: 89 Ill. Adm. Code 1123) Section Numbers: Proposed Action:112.330 Amendment
112.332 Repealed4) Statutory Authority: Sections 4-2, 5-2 and 5-4 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 4-2, 5-2 and 5-4)

5) A Complete Description of the Subjects and Issues Involved: Pursuant to Section 303 of the Family Support Act (P.L. 100-485), this rulemaking authorizes a twelve month extension of medical assistance to individuals receiving assistance under the Aid To Families With Independent Children (AFDC) program when AFDC is terminated due to increased hours or increased income from employment.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒8) Does this Proposed Amendment contain incorporations by reference? No9) Are there any other Proposed Amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.9	Amendment	February 23, 1990 (14 Ill. Reg. 2798)
112.70	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.72	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.74	Amendment	January 19, 1990 (14 Ill. Reg. 1123)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.76	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.77	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.78	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.79	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.80	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.82	Amendment	November 3, 1989 (13 Ill. Reg. 16894)
112.83	Amended & Renumbered	January 19, 1990 (14 Ill. Reg. 1123)
112.110	Amendment	March 16, 1990 (14 Ill. Reg. 4054)
112.130	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.131	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.141	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.143	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.145	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.147	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.151	Amendment	March 16, 1990 (14 Ill. Reg. 4054)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
112.308	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.315	Renumbered	January 19, 1990 (14 Ill. Reg. 1123)
112.350	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.352	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.354	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.356	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.358	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.360	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.362	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.364	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.366	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.400	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.402	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.406	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.408	New Section	January 19, 1990 (14 Ill. Reg. 1123)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
112.410	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.412	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.414	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.416	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.418	New Section	January 19, 1990 (14 Ill. Reg. 1123)

10) Statement of Statewide Policy Objectives This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section

112.1 Description of the Assistance Program
112.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Lack of Parental Support or Care
112.61 Death of a Parent
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112.63 Continued Absence of a Parent
112.64 Unemployment of the Parent

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112.71 Individuals Exempt From Project Chance
112.72 Project Chance Participation/Cooperation Requirements
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74 Project Chance Full Assessment Process/Development of an Employment Plan
112.76 Project Chance Orientation
112.77 Illinois Work Experience Program Evaluation Project (Renumbered)
112.78 Project Chance Components
112.79 Project Chance Sanctions
112.80 Good Cause for Failure to Comply With Project Chance Participation Requirements

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section

112.81 Responsible Relative Eligibility For Project Chance
112.82 Project Chance Supportive Services
112.83 Employment Child Care
112.84 Work Experience Evaluation Project
112.85 Four Year College/Vocational Training Demonstration Project

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112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100 Unearned Income
112.101 Unearned Income of Stepparent, Parent or Legal Guardian
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
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112.110 Exempt Unearned Income
112.115 Education Benefits
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112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump Sum Payments
112.128 Protected Income
112.130 Earned Income
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

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DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

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112.330	Due To Increased Income from Employment
112.331	Four Month Extension of Medical Assistance Due to Child Support Collections
112.332	Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 4-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071,

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effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15890, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective

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May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827 effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 11, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679,

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effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. _____, effective April 16, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART I: OTHER PROVISIONS

Section 112.330 Six-Twelve Month Extension of Medical Assistance Due to Increased Income from Employment

A six-(6)-twelve (12) month extension of medical assistance shall be provided for AFDC cases when AFDC assistance is terminated due to increased hours or increased income from employment. This extension shall begin with the AFDC case's first month of ineligibility and shall apply only to the extent that the extensions of Section 112.332 are inapplicable. Ineligibility may result from initial or increased earnings.

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Section 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)

a) A nine-(9)-month extension of medical assistance shall be provided for AFDC cases when assistance is discontinued due to the termination of the \$30 and one-third of \$30 earned income disregard.

b) An additional six-(6)-month extension of medical assistance shall be provided for AFDC cases immediately following the ninth month of extended medical assistance if the family would receive cash assistance with the application of the earned income exemption (see Section 112.141).

(Source: Repealed at 14 Ill. Reg. _____, effective _____)

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- 1) The Heading of the Part: FOOD STAMPS
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: Proposed Action:
121.61 Amendment
- 4) Statutory Authority: Sections 12-4.4 thru 12-4.6 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 12-4.4 thru 12-4.6)
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to Section 201 of the Hunger Prevention Act (P.L. 100-435), this rulemaking expands the definition of "Qualifying Members" to include the following individuals:
- 1) a member who receives Federal, state or local government disability pension and is considered permanently disabled under Social Security requirements;
 - 2) a member who receives Railroad Retirement disability benefits;
 - 3) a member who receives a annuity payment from Railroad Retirement and is eligible for Medicare; and
 - 4) a member receives disability-related medical assistance benefits under Title XIX (Medicaid) of the Social Security Act.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date?

Yes ☐ No ☒

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments

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concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section	
121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.19	Ending a Voluntary Quit Disqualification
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements
121.24	Individuals Exempt From Work Registration Requirements
121.25	Failure to Comply
121.26	Period of Disqualification
121.27	Voluntary Job Quit
121.28	Good Cause for Voluntary Job Quit
121.29	Exemptions from Voluntary Quit Rule

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder
121.53	Income from Rental Property

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Section	
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions From Monthly Income
121.64	Coupon Allotment

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Persons Who May Be Included in the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting
121.91	Monthly Reporting
121.92	Retrospective Budgeting
121.93	Direct Mail Issuance of Food Stamp Coupons
121.94	Replacement of Food Stamp Coupons or ATP Documents
121.95	Restoration of Lost Benefits
121.96	Uses For Food Coupons
121.97	Supplemental Payments
121.98	Food Stamp Simplified Application Demonstration Project (Repealed)
121.120	Recertification of Eligibility
121.130	Residents of Shelters for Battered Women and their Children

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Section
121.135
121.140

Incorporation By Reference
Small Group Living Arrangement Facilities and
Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
121.150
121.151
121.152
121.153
121.154

Definition of Intentional Violations of the Program
Penalties for Intentional Violations of the Program
Notification To Applicant Households
Disqualification Upon Finding of Intentional
Violation of the Program
Court Imposed Disqualification

SUBPART H: CLAIMS FOR OVERISSUANCES OF FOOD STAMP BENEFITS

Section
121.200
121.201

Types of Claims (Recodified)
Establishing a Claim for Intentional Violation of
the Program (Recodified)

121.202
121.203
121.204

Establishing a Claim for Unintentional Household
Errors and Administrative Errors (Recodified)
Collecting Claim Against Households (Recodified)
Failure to Respond to Initial Demand Letter
(Recodified)

121.205
121.206

Methods of Repayment of Food Stamp Claims
(Recodified)
Determination of Monthly Allotment Reductions
(Recodified)

121.207
121.208

Failure to Make Payment in Accordance with Repayment
Schedule (Recodified)
Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and
authorized by Section 12-13 of the Illinois Public Aid Code
(Ill. Rev. Stat. 1987, ch. 23, pars. 12-4.4 through 12-4.6 and
12-3).

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5,
p. 875 effective February 2, 1979; amended at 3 Ill. Reg. 31,
p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p.
399 effective August 18, 1979; amended at 3 Ill. Reg. 41, p.
165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p.
230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p.
173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p.
36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p.
96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p.
1; effective November 15, 1979; peremptory amendment at 4 Ill.

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Reg. 3, p. 49, effective January 9, 1980; peremptory amendment
at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended
at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended
at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency
amended at 4 Ill. Reg. 29, p. 294, effective July 8, 1980 for
maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797,
effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134,
effective October 17, 1980; amended at 5 Ill. Reg. 766,
effective January 2, 1981; amended at 5 Ill. Reg. 1131,
effective January 16, 1981; amended at 5 Ill. Reg. 4586,
effective April 15, 1981; peremptory amendment at 5 Ill. Reg.
5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071,
effective June 23, 1981; peremptory amendment at 10062,
effective October 1, 1981; amended at 5 Ill. Reg. 10733,
effective October 1, 1981; amended at 5 Ill. Reg. 12736,
effective October 29, 1981; amended at 6 Ill. Reg. 1653,
effective January 17, 1982; amended at 6 Ill. Reg. 2707,
effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective
July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9,
1982; amended at 6 Ill. Reg. 11921, effective September 21,
1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982;
amended at 6 Ill. Reg. 13754, effective November 1, 1982;
amended at 7 Ill. Reg. 394, effective January 1, 1983; codified
at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May
1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983;
peremptory amendment at 7 Ill. Reg. 12899, effective October 1,
1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983,
peremptory amendment at 7 Ill. Reg. 16067, effective November
18, 1983; amended at 7 Ill. Reg. 16169, effective November 22,
1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984;
amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory
amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended
at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8
Ill. Reg. 17900, effective September 14, 1984; amended (by
adding section being codified with no substantive change) at 8
Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690,
effective October 1, 1984; peremptory amendment at 8 Ill. Reg.
22145, effective November 1, 1984; amended at 9 Ill. Reg. 302,
effective January 1, 1985; amended at 9 Ill. Reg. 6804,
effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective
May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898,
effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective
July 8, 1985; amended at 9 Ill. Reg. 14334, effective September
6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective
October 1, 1985; amended at 9 Ill. Reg. 16889, effective
October 16, 1985; amended at 9 Ill. Reg. 19726, effective
December 9, 1985; amended at 10 Ill. Reg. 229, effective
December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387,

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effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; amended at 12 Ill. Reg. 16271, effective October 1, 1988, amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. _____, effective April 13, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.61 Gross Monthly Income Eligibility Standards

- a) Gross Monthly Income Eligibility Standards

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Section 121.61

Gross Monthly Income Eligibility Standards
(Cont'd)

- 1) The gross income standards of eligibility shall Section 121.61 be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)(1986)). However, categorically eligible households and households containing a member who is elderly, blind or disabled will be exempt from this gross income check (see also 7 CFR 273.9(c) (1986)). To qualify for increased benefits a household must contain a member who meets one (1) of the following requirements:
- A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month he/she becomes 60.
- B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis), or
- C) A member receives Social Security disability or blindness benefits under Title II (SSDI) of the Social Security Act.
- D) A member receives State Supplemental Payment (SSP) due to blindness or disability. This does not include cases in PE status pending a determination of blindness or disability.
- E) A veteran with a service connected disability rated or paid as totally disabled by the Veterans Administration (VA).
- F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.
- G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the

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Section 121.61

Gross Monthly Income Eligibility Standards
(Cont'd)

Veterans Administration or a veteran's surviving child who is considered permanently incapable of self-support by the Veterans Administration.

H) A veteran's surviving spouse or child entitled to compensation for a service connected death or pension benefits for a non-service connected death from the Veterans Administration if the spouse or child also has a disability considered permanent under Social Security requirements.

I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.

J) A member receives Railroad Retirement disability benefits.

K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.

L) A member receives disability-related medical assistance benefits (Categories 92 and 93) under Title XIX (Medicaid) of the Social Security Act.

2) For those veterans, surviving spouses, or children mentioned in subsections (F) and (G) above, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (E) above, a verified statement in writing from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (H) above, the individual must provide a statement from the Social Security Administration or from a physician (Ill. Rev. Stat. 1987, ch. 111, par. 4401 et seq.), or a licensed or certified psychologist (Ill. Rev. Stat. 1987, ch. 111, par. 5301 et seq.) that the individual suffers from

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Section 121.61

Gross Monthly Income Eligibility Standards
(Cont'd)

one of the disabilities listed in the preamble to Section 221(i) of the Social Security Act (42 U.S.C. 421(i)) or if the disability is obvious, by observation of the caseworker (e.g., permanent loss of use of both hands).

b) Household Size	Gross Income
One Person	\$ 648
Two Persons	869
Three Persons	1,090
Four Persons	1,311
Five Persons	1,532
Six Persons	1,753
Seven Persons	1,974
Eight Persons	2,195
Nine Persons	2,416
Ten Persons	2,637
Each Additional Member	+ 221

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: GENERAL ASSISTANCE2) Code Citation: 89 Ill. Adm. Code 1143) Section Number:
114.430
Proposed Action:
Amendment4) Statutory Authority: Sections 5-2, 5-4, 6-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-2, 5-4, 6-2 and 12-13)5) A Complete Description of the Subjects and Issues Involved: This rulemaking authorizes a twelve month extension of medical assistance to General Assistance cases consisting of at least one adult and one child when General Assistance is terminated due to increased income from employment.6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒8) Does this Proposed Amendment contain incorporations by reference? No9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
114.9	Amendment	February 23, 1990 (14 Ill. Reg. 2821)
114.210	Amendment	March 16, 1990 (14 Ill. Reg. 4070)
114.251	Amendment	March 16, 1990 (14 Ill. Reg. 4070)
114.235	Amendment	April 20, 1990 (14 Ill. Reg. 5713)
114.241	Amendment	April 20, 1990 (14 Ill. Reg. 5713)

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10) Statement of Statewide Policy Objectives This rulemaking has no effect on local governmental units.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

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114.1	Description of the Assistance Program
114.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

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114.30	Age
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114.60	Work Registration Requirements
114.61	Individuals Exempt From Work Registration Requirements
114.62	Job Service Registration
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114.64	Responsibility to Seek Employment
114.70	Initial Employment Expenses
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114.90	Project Advance Participation/Cooperation Requirements (Renumbered)
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114.108	Project Advance
114.109	Project Advance Participation Requirements of Adjudicated Fathers
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SUBPART D: PROJECT CHANCE

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114.120	Employment, Training, Rehabilitation, and Advocacy for General Assistance Programs Administered by the Illinois Department of Public Aid
114.121	Persons Required to Participate in Employment and Training
114.122	Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act
114.123	Persons in Need of Work Rehabilitative Services (WRS) to Become Employable
114.124	Employment and Training Participation/Cooperation Requirements
114.125	Employment and Training Program Orientation
114.126	Employment and Training Program Full Assessment Process/Development of an Employment Plan
114.127	Employment and Training Program Components
114.128	Employment and Training Sanctions
114.129	Good Cause For Failure to Cooperate With Work and Training Participation Requirements
114.130	Employment and Training Supportive Services
114.140	Employment Child Care

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

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114.200	Unearned Income
114.201	Budgeting Unearned Income
114.202	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.203	Initial Receipt of Unearned Income
114.204	Termination of Unearned Income
114.210	Exempt Unearned Income
114.220	Education Benefits
114.221	Unearned Income In-Kind
114.222	Earmarked Income
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114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.228	Initial Employment
114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses

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Section

114.240 Income From Work/Study/Training Program (Repealed)
114.241 Earned Income From Self-Employment
114.242 Earned Income From Roomer and Boarder
114.243 Earned Income From Rental Property
114.244 Earned Income In-Kind
114.245 Payments from the Illinois Department of Children and Family Services

114.246 Budgeting Earned Income For Contractual Employees
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114.250 Assets
114.251 Exempt Assets
114.252 Asset Disregards
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114.270 Property Transfers (Emergency Expired)
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SUBPART F: PAYMENT AMOUNTS

Section

114.350 Payment Levels for General Assistance
114.351 Payment Levels in Group I Counties
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SUBPART G: OTHER PROVISIONS

Section

114.400 Persons Who May Be Included In the Assistance Unit
114.401 Eligibility of Strikers
114.402 Special Needs Authorizations
114.403 Institutional Status
114.404 Retrospective Budgeting
114.405 Budgeting Schedule
114.420 Redetermination of Eligibility
114.430 Six-Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 6-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory

amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 259, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory

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amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1,

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1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective June 30, 1988; amended at 12 Ill. Reg. 11474, effective August 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989 for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. _____, effective April 16, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART G: OTHER PROVISIONS

Section 114.430 S* Twelve Month Extension of Medical Assistance Due to Increased Income from Employment

A s*-66 twelve (12) month extension of medical assistance (i.e., full Medicaid benefits) shall be provided for General Assistance cases consisting of at least one adult and one child when General Assistance is terminated due to increased income from employment. This extension shall begin with the General

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Section 114.430

Six Twelve Month Extension of Medical Assistance Due to Increased Income from Employment

Assistance case's first month of ineligibility. Ineligibility may result from initial or increased earnings.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Number: _____
120.370
Proposed Action: Amendment

4) Statutory Authority: Sections 5-4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-4 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Section 402 of the Family Support Act (P.L. 100-435). Specifically, this rulemaking: (1) increases the standard work expense from \$75.00 to \$90.00; and (2) increases the limit on dependent child care from \$160.00 to \$175.00 for children age two and above and to \$200.00 for children under age two.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
120.11	Amendment	April 20, 1990 (14 Ill. Reg. _____)
120.31	Amendment	April 20, 1990 (14 Ill. Reg. _____)
120.60	Amendment	April 20, 1990 (14 Ill. Reg. _____)
120.64	Amendment	April 20, 1990 (14 Ill. Reg. _____)
120.70	Amendment	January 12, 1990 (14 Ill. Reg. 558)

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Section Numbers	Proposed Action	Illinois Register Citation
120.72	Amendment	January 12, 1990 (14 Ill. Reg. 558)
120.74	Amendment	January 12, 1990 (14 Ill. Reg. 558)
120.76	Amendment	January 12, 1990 (14 Ill. Reg. 558)
120.208	Amendment	February 23, 1990 (14 Ill. Reg. 2831)
120.308	Amendment	February 23, 1990 (14 Ill. Reg. 2831)
120.235	Amendment	March 16, 1990 (14 Ill. Reg. 4081)
120.281	Amendment	March 16, 1990 (14 Ill. Reg. 4081)
120.390	Amendment	April 20, 1990 (14 Ill. Reg. _____)
120.391	Amendment	April 20, 1990 (14 Ill. Reg. _____)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Incorporation By Reference

Section
120.1

SUBPART B: ASSISTANCE STANDARDS

Section
120.10
120.11

Eligibility For Medical Assistance
Eligibility For Medical Assistance For Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
MANG(AABD) Income Standard (Emergency Expired)
MANG(C) Income Standard
MANG(P) Income Standard
Exceptions To Use Of MANG Income Standard
AMI Income Standard

120.20
120.30
120.31
120.40
120.50

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60

All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

120.61
120.62
120.63
120.64

Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and MANG(C) (Emergency Expired) Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643

Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

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Section
120.70
120.72
120.74
120.76

Supplementary Medical Insurance Benefits, Buy-In Program
Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
Qualified Medicare Beneficiary (QMB) Income Standard
Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80

Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.90
120.91

Migrant Medical Program
Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
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Client Cooperation
Citizenship
Residence
Age
Relationship
Living Arrangement
Supplemental Payments
Institutional Status
Foster Care Program
Social Security Numbers
Unearned Income
Exempt Unearned Income
Education Benefits
Unearned Income In-Kind
Earmarked Income
Lump Sum Payments and Income Tax Refunds
Protected Income
Earned Income
Budgeting Earned Income
Exempt Earned Income
Recognized Employment Expenses
Income From Work/Study/Training Program
Earned Income From Self-Employment
Earned Income From Roomer and Boarder
Earned Income In-Kind

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Section
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120.290
120.295

Payments from the Illinois Department of Children and Family Services
Assets
Exempt Assets
Asset Disregards
Deferral of Consideration of Assets
Spend-down of Assets (AMI)
Property Transfers (Emergency Expired)
Persons Who May Be Included in the Assistance Unit Payment Levels for AMI

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
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Client Cooperation
Caretaker Relative
Citizenship
Residence
Age
Blind
Disabled
Relationship
Living Arrangements
Supplemental Payments
Institutional Status
Assignment of Rights to Medical Support and Collection of Payment
Cooperation in Establishing Paternity and Obtaining Medical Support
Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
Foster Care Program
Social Security Numbers
Unearned Income
Budgeting Unearned Income
Exempt Unearned Income
Education Benefits
Incentive Allowance
Unearned Income In-Kind
Court Ordered Child Support Payments of Parent/Step-Parent
Earmarked Income
Medicaid Qualifying Trusts

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Section
120.350 Lump Sum Payments and Income Tax Refunds
120.355 Protected Income
120.360 Earned Income
120.361 Budgeting Earned Income
120.362 Exempt Earned Income
120.364 Earned Income Exemption
120.366 Exclusion From Earned Income Exemption
120.370 Recognized Employment Expenses
120.371 Income From Work/Study/Training Programs
120.372 Earned Income From Self-Employment
120.373 Earned Income From Roomer and Boarder
120.375 Earned Income In Kind
120.376 Payments from the Illinois Department of Children and Family Services
120.379 Assessment of Assets (Emergency Expired)
120.380 Assets
120.381 Exempt Assets
120.382 Asset Disregard
120.383 Deferral of Consideration of Assets
120.384 Spend-down of Assets (MANG)
120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Emergency Expired)
120.386 Property Transfers Effective for Applications Filed on or After October 1, 1989 (Emergency Expired)
120.390 Persons Who May Be Included In the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG and Infants Under Age One Year
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
120.395 Payment Levels for MANG
120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978;

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NOTICE OF PROPOSED AMENDMENT

peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 6 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 7068, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987;

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amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 13 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 31, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 4233, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. _____, effective April 16, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.370 Recognized Employment Expenses

a) MANG(AABD)

The following recognized expenses of employment shall be exempt from consideration for MANG(AABD):

- 1) Withholding taxes (Federal and State)
- 2) Social Security tax

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 120.370 Recognized Employment Expenses (Cont'd.)

- 3) Transportation at most reasonable rate. If the individual's own car is the most economical means of transportation 19 cents per mile shall be allowed as transportation expense

4) Lunch supplementation:

- A) If carried from home, 15 cents per working day to a maximum of \$3.00 per month
- B) If purchased at work, 45 cents per working day to a maximum of \$9.00 per month

5) Special tools and uniforms required by employment

*6) Union dues

*7) Group life insurance premiums

*8) Group health insurance premiums

*9) Retirement plan withholding

*Agency Note: Only if mandatory as a condition of employment

b) MANG(C)

- 1) For employment expenses, \$75.00 \$90.00 shall then be deducted from gross earned income of each employed individual. ~~Individuals full-time employed and employed throughout the month. For individuals not full-time employed or not employed throughout the month, \$60.00 is deducted for employment expenses.~~

- 2) For this rule full-time employment means the individual is employed for at least 100 hours during the month. ~~Employed throughout the month means the individual is employed at least one-half of the days of the month~~

- 3) ~~2) In addition, for earnings from self-employment and rental property, an amount equal to the reasonable expenses directly attributable~~

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 120.370 Recognized Employment Expenses (Cont'd.)

to producing goods or services or an amount equal to the reasonable expenses of rental shall also be deducted from income.

- 4) ~~3) The employment expense allowance is not available to an individual for any month in the following situations:~~

- A) The individual terminated employment or reduced earned income without good cause within the period of 30 days preceding such month, or
- B) The individual refused without good cause, within the period of 30 days preceding such month, to accept employment in which the individual was able to engage and which has been determined to be a suitable, available offer of employment, or
- C) The individual fails without good cause to report income in a timely manner, or
- D) The individual voluntarily requests AFDC assistance to be terminated to avoid receiving the 30 + 1/3 exemption for four consecutive months. (See Section 120.362 through 120.365).

e) MANG(C)

- 4) Expenses of child care shall be deducted from income up to a maximum of \$160 \$200.00 per child, ~~\$128 per child if the client is not full-time employed or employed throughout the month as defined above for each child under the age of two (2) and \$175.00 for each child age two (2) and over.~~

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: SUPPORT RESPONSIBILITY OF RELATIVES

2) Code Citation: 89 Ill. Adm. Code 103

3) Section Number: Proposed Action:
103.10 Amendment

4) Statutory Authority: Section 10-2 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Par.10-2, as amended by P.A. 86-431, effective January 1, 1990)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements P.A. 86-431 which provides that a parent is not liable for the support for a child of any age if the child has married and is not living with the parent or parents.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes X No

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 103

SUPPORT RESPONSIBILITY OF RELATIVES

Section

- 103.1 Incorporation By Reference
 103.10 Support From Responsible Relatives
 103.20 Determination Of Ability To Support
 103.30 Redetermination Of Ability To Support
 103.40 Failure or Refusal to Provide Information Regarding Ability to Support
 103.50 Modification or Release From Support Order
 103. Table A Standard For Determining Responsible Relative Liability

AUTHORITY: Implementing and authorized by Article X of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, par. 10-1 et seq.).

SOURCE: Filed and effective December 30, 1977; amended at 3 Ill. Reg. 41, p. 171, effective October 1, 1979; amended at 6 Ill. Reg. 7441, effective June 16, 1982; codified at 7 Ill. Reg. 6493; amended at 10 Ill. Reg. 21898, effective December 12, 1986; amended at 11 Ill. Reg. 6493, effective March 27, 1987; amended at 12 Ill. Reg. 14681, effective August 31, 1988; amended at 13 Ill. Reg. 2496, effective February 14, 1989; amended at 13 Ill. Reg. 3954, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 16180, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. _____, effective April 16, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 103.10 Support From Responsible Relatives

- a) The Department shall seek to obtain support for recipients from legally responsible individuals and shall seek the enforcement of support obligations with the following exception:

the Department shall not seek to obtain support for residents of long term care facilities if income of the spouse in the community is less

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 103.10 Support From Responsible Relatives (Cont'd)

than or equal to the Community Spouse Maintenance Needs Standard (as described at 89 Ill. Adm. Code 120.61) and total combined non-exempt assets of the couple do not exceed the Community Spouse Emergency Allowance (as described at 89 Ill. Adm. Code 120.386).

- b) The following persons are "responsible relatives" who are legally responsible for the financial support and maintenance of recipients:

- 1) Spouse for spouse.
- 2) Parents for children under 18 years of age.
- 3) Parents of children age 18 through 20 if living with the parents.

- c) Responsible relatives who are receiving public assistance and/or Supplemental Security Income (SSI) benefits shall be considered unable to support.

- d) A parent is not legally responsible for the financial support and maintenance of a child of any age who has married and is not living with the parent or parents.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Individualized Written Rehabilitation Program
- 2) Code Citation: 89 Ill. Adm. Code 572
- 3) Section Numbers:
572.60 amendment
572.90 amendment
- 4) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(a), (b), and (k)).
- 5) A Complete Description of the Subjects and Issues involved:
An amendment to Section 572.60 (b) emphasizes that vocational objectives must be consistent with the functional limitations determined from the eligibility determination.
- Section 572.60 (d) is being amended to add that VR funding for services for cases with a supported employment goal may be provided for no longer than 18 months.
- An amendment to Section 572.60 (g) specifies that similar benefits must be used unless a client is at extreme medical risk and a search for similar benefits would delay services.
- "Management Control Project" has been deleted from a reference to Post Employment Services in Section 572.60 (k).
- Section 572.60 (l) has been added to list the identity of the provider of the extended services on the IWRP, if a client will need such services after case closure.
- Section 572.90 is being amended to promulgate a policy change which requires that a client be given notice of a change in his/her IWRP 15 working days (instead of 10) prior to the effective date of the change.
- Reference is made to 89 Ill. Adm. Code 510.60 (c) to indicate the items contained in the notification.
- 6) Will this proposed rule replace an emergency rule currently in effect? NO
- 7) Does this rulemaking contain an automatic repeal date?
Yes X No

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- Section Numbers Proposed Action Illinois Register Citation
- 10) Statement of Statewide Policy Objectives (if applicable):
Not Applicable
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:
- Ms. Leigh Reed
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
- Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734
- If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.
- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 572
INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM

Section	General Applicability
572.10	Commencement of the IWRP
572.20	Coordination of the IWRP with an Individualized Education Program (IEP)
572.40	General Information on IWRP Development and Implementation
572.50	Contents of the IWRP
572.60	Services to Families
572.70	IWRP Amendments
572.80	Notice of Changes to the IWRP
572.90	Case File Documentation
572.100	Reporting of Client Participation

AUTHORITY: Implementing and authorized by Sections 3(a),(b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(a),(b), and (k))

SOURCE: Adopted at 9 Ill. Reg. 8801, effective June 10, 1985; amended at 11 Ill. Reg. 5144, effective March 17, 1987; amended at _____, effective _____.

Section 572.60 Contents of the IWRP

The IWRP shall contain the following elements:

- the basis on which a determination of eligibility (89 Ill. Adm. Code 552.30(a)) or the need for extended evaluation (89 Ill. Adm. Code 552.80(a)(1)) was made,
- a vocational goal and the objectives ~~within the scope of 89 Ill. Adm. Code Chapter IV, Subchapter b "Vocational Rehabilitation"~~ ~~established to meet that goal (the counselor must provide a written rationale for the vocational goal). The objectives must be consistent with the functional limitations from the eligibility determination (within the scope of 89 Ill. Adm. Code: Chapter IV, Subchapter b "Vocational Rehabilitation")~~;

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- specific services to be provided to achieve the objectives,

- beginning and ending dates for each service. For any cases with a supported employment goal, Vocational Rehabilitation (VR) funding, per 34 CFR 363.7 (1987), for services can be provided for a maximum cumulative period of 18 months from initial date of placement,

- a procedure and schedule for monitoring progress toward achieving objectives, based upon objective criteria, and a record of these evaluations. Counselors shall insure that the IWRP is reviewed at least annually with documentation that the client was involved, indicated by the signature of the client or representative appointed by the client on the IWRP amendment or a notation in the client's case file by the counselor, stating that the client was involved in a conversation with the counselor regarding the IWRP,

- the client's views regarding the goals, objectives, and services,

- the terms and conditions for the provision of services, including the client's responsibilities, the extent of client participation in service cost, and the use of similar benefits (as set forth in 89 Ill. Adm. Code 567 "Similar Benefits - Management Center Projects").

Similar benefits must be used unless a search for similar benefits would delay the provision of VR services to a client who is at extreme medical risk, based upon medical evidence provided by an appropriately licensed medical professional, insofar as they are adequate and do not interfere with achieving the rehabilitation objective of the individual.

- client responsibilities, notation of client views, and the client's signature evidencing participation in the development and/or amendment of the Individualized Written Rehabilitation Program (IWRP). If client views or signature are not present, there must be a notation on the IWRP as to the reason for their absence,

- an assurance that the client has been informed of his/her right to appeal and the availability of the Client Assistance Program (CAP),

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- j) the basis on which the individual has been determined rehabilitated, for any case which has been closed rehabilitated.
- k) any plans and justification and plans for the provision of post-employment services (as set forth in 89 Ill. Adm. Code 622 "Post-Employment Services - Management Control Project"), and
- l) the name of the state, federal or private entity that will provide extended services, if the client will need such services after case closure.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 572.90 Notice of Changes to the IWRP

Adequate, and timely notification of any DORS - initiated change to the IWRP must be provided to the client. Such notification must be made in writing at least 10 15 work days prior to the effective date of change to the IWRP unless the client has signed the IWRP indicating agreement with the change. The notification must state the items contained in 89 Ill. Adm. Code 510.60(c).

- a) the basis for the intended action
- b) the effective date of the action
- c) the right to appeal the decision and
- d) the specific means (including time frames) to be set per 89 Ill. Adm. Code 512 "Administrative Reviews and Fair Hearings - Management Control Project".

(Source: Amended at _____ Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Maintenance
- 2) Code Citation: 89 Ill. Adm. Code 602
- 3) Section Numbers: _____
602.20
Proposed Action:
amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(a), (b), and (k)).
- 5) A Complete Description of the Subjects and Issues Involved:
Section 602.20 is being amended to clarify that maintenance to cover basic living expenses which are incurred as a result of the client's Individualized Written Rehabilitation Program, will be provided.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- Section Numbers Proposed Action Illinois Register Citation
- 10) Statement of Statewide Policy Objectives (if applicable):
Not Applicable
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

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NOTICE OF PROPOSED AMENDMENT

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 602
MAINTENANCE

Section

- 602.10 General Applicability
602.20 Provision of Maintenance

AUTHORITY: Implementing and authorized by Section 3(a),(b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(a), (b), and (k)).

SOURCE: Adopted at 9 Ill. Reg. 8809, effective June 10, 1985; amended at 11 Ill. Reg. 4036, effective February 18, 1987; amended at 12 Ill. Reg. 6745, effective March 29, 1988; amended at 14 Ill. Reg. _____, effective _____; amended at 14 Ill. Reg. _____, effective _____.

Section 602.20 Provision of Maintenance

Maintenance will be provided to clients to cover basic living expenses (such as food, shelter, clothing and other subsistence expenses), incurred as a result of their participation in an Individualized Written Rehabilitation Program (IWRP), in accordance with Client Financial Participation (89 Ill. Adm. Code 562) and when it is necessary to support and derive the full benefit of other vocational rehabilitation services being provided. Supplemental Security Income will be considered as income available to the client for basic living expenses, for purposes of determining the amount of maintenance provided by DORS. The client shall indicate to the counselor that the objectives established in the client's Individualized Written Rehabilitation Program IWRP cannot be completed without payment of subsistence expenses. With the exception of those services listed in 89 Ill. Adm. Code 562.30(a)(1) through (4), maintenance payments will not be provided after a client has become employed and has received his/her first paycheck.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENT(S)

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3)

Section Number	Proposed Action
1001.220	Amendment
1001.230	Amendment
1001.240	Amendment
1001.250	Amendment
1001.410	Amendment
1001.420	Amendment
1001.450	Amendment
1001.485	New Section
- 4) Statutory Authority: Subpart A implementing Sections 2-113, 2-118, 6-205, 6-206, and 6-108 and authorized by Sections 2-103, 2-104 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, 2-118). Subpart B implementing Chapter 7 and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and 7-101 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and 7-101). Subpart C implementing Sections 6-205(c) and 6-206(c)(3) and authorized by Sections 2-103 and 2-104 of Chapter 95 1/2 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-103, 2-104, 6-205(c), and 6-206(c)(3)). Subpart D authorized by Section 2-104 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)(3), and 6-208 of the Illinois Vehicle Code (Ill. Rev. Stat. 1988, ch. 95 1/2, pars. 2-104, 6-103, 6-205(c), 6-206(c)(3), and 6-208)

5) A Complete Description of the Subjects and Issues Involved:

Section 1001.220(a) is amended to specify that hearings pursuant to the Illinois Safety Responsibility Act will not be conducted if the uninsured driver fails to request a hearing within 6 months of the notice of his right to a hearing before a suspension for being uninsured takes effect.

Section 1001.230(a) clarifies the present rule to make it clear that the date of occurrence of the accident at issue is irrelevant and jurisdiction for the hearing exists. This amendment pertains to safety responsibility hearings.

Section 1001.240(c) is added to establish procedures to hearing situations in which an uninsured driver enters into an installment agreement to pay damages to the injured party, and then defaults on

installment agreement, and/or requests a hearing to contest liability or the amount of security required to be posted. This situation arises occasionally and this amendment is needed to inform all parties of the proper procedure. This amendment pertains to safety responsibility hearings.

Section 1001.250(c)(1) clarifies the default procedure in safety responsibility hearings. If an uninsured driver requests a hearing, but fails to appear for that hearing, the hearing officer will state on the record that notice was sent, a hearing demand was made, but the hearing applicant failed to appear. This amendment confirms the present practice.

Section 1001.250(f) is repealed. This subsection allowed the hearing officer to stay or hold the effectiveness of a suspension for 30 days to allow an uninsured driver to post security or submit proof of insurance. The enactment of the mandatory insurance law, effective January 1, 1990, removes the need for this stay procedure, because all Illinois drivers should have insurance by law on the date of any accident.

Section 1001.410 clarifies the definition of the updated alcohol evaluation, and adds several definitions needed to understand the new Section 1001.485.

Section 1001.420(a)(1) is amended to clarify the types of proof of employment needed for a restricted driving permit when requested by a self-employed person.

Section 1001.450 is amended to delete an obsolete provision concerning repeat hearings.

Section 1001.485 is added to establish the standards and procedures for persons who apply for reinstatement of driving privileges upon their return to residency in Illinois. This section is applicable to those persons whose driving privileges were revoked, and never reinstated in Illinois, yet these applications received driver licenses in another state which is a member of the Drivers License Compact, as is Illinois (see Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-700 to 6-708). This section is added to address the requirements imposed in People v. Hutson, 178 Ill. App. 3d 836, 533 N.E. 2d 1128 (Third District 1989)

- 6) Will this proposed rule replace an emergency rule currently in effect? No

NOTICE OF PROPOSED AMENDMENT(S)

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference?
No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Not applicable to this
amendatory rulemaking.
- 11) Time, Place, and Manner in which interested persons may comment on
this proposed rulemaking. Written comments may be submitted within
45 days to:

Philip S. Howe
Counsel to the Secretary
Office of the Secretary of State
298 Centennial Building
Springfield, Illinois 62706
217/785-3094
- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not
affect small businesses.

The full text of the proposed amendments begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1001
PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section	
1001.10	Applicability
1001.20	Definitions
1001.30	Right to Counsel
1001.40	Appearance of Attorney
1001.50	Special Appearance
1001.60	Substitution of Parties
1001.70	Commencement of Actions; Notice of Hearing
1001.80	Motions
1001.90	Form of Papers
1001.100	Conduct of Formal Hearings
1001.110	Orders
1001.120	Record of Hearings
1001.130	Invalidity

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section	
1001.200	Applicability
1001.210	Definitions
1001.220	Hearings: Notice; Location; Procedures; Record
1001.230	Rules of Evidence
1001.240	Scope of Hearings
1001.250	Decisions and Orders
1001.260	Rehearings
1001.270	Judicial Review
1001.280	Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS
IN DRIVERS LICENSE SUSPENSIONS AND REVOCATIONS

Section	
1001.300	Applicability
1001.310	Definitions
1001.320	Right to Representation
1001.330	Records and Reports
1001.340	Location of Hearings
1001.350	Duties and Responsibilities
1001.360	Decisions
1001.370	Invalidity

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS,
REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF
DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section	Applicability
1001.400	Definitions
1001.410	General Provisions Relating to the Issuance of Restricted Driving Permits
1001.420	General Provisions for Reinstatement of Driving Privileges after Revocation
1001.430	Provisions for Alcohol and Drug Related Revocations, Suspensions, Cancellations, and Denials
1001.440	New Hearings
1001.450	Requests for Modification of Revocations and Suspensions
1001.460	Renewal, Correction and Cancellation of RDP's
1001.470	Unsatisfied Judgment Suspensions
1001.480	Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
1001.485	Invalidity

AUTHORITY: Subpart A implementing Sections 2-113, 2-118, 6-203, 6-206, and 6-108 and authorized by Sections 2-103, 2-104 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, 2-118). Subpart B implementing Chapter 7 and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and 7-101 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and 7-101). Subpart C implementing Sections 6-205(c) and 6-206(c)3 and authorized by Sections 2-103 and 2-104 of Chapter 95½ of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 2-103, 2-104, 6-205(c), and 6-206(c)3). Subpart D authorized by Section 2-104 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code (Ill. Rev. Stat. 1988, ch. 95½, pars. 2-104, 6-103, 6-205(c), 6-206(c)3, and 6-208).

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803 effective October 1, 1989, amended at 14 Ill. Reg. 2601 effective February 15, 1990; amended at ___ Ill. Reg. ___, effective ____.

NOTE: Capitalization denotes Statutory language.

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section 1001.220 Hearings: Notice; Location; Procedures; Record

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- a) Subsequent to certification of an uninsured motorist by the Department of Transportation as provided by statute, and upon a preliminary finding that a REASONABLE POSSIBILITY OF A CIVIL JUDGEMENT exists, the Secretary shall institute a Notice of Suspension which advises the Petitioner of his/her right to a hearing in lieu of a deposit of security. Any Petitioner by submitting a written request post-marked within 15 days of the mailing date of the Notice of Suspension, will be afforded a full, fair and impartial hearing to contest the preliminary finding of the Secretary. Hearing requests received within six months after the prescribed time will be granted; however, the suspension will not be stayed or removed pending the hearing. Any Petitioner not requesting a hearing within six months of the mailing date of either a Notice of Suspension, or of a letter from the Secretary of State, sent in lieu of a Notice of Suspension, accepting compliance and notifying the Petitioner of the right to a hearing, shall be deemed to have waived the right to a hearing, and no such request will be granted.
- b) The decision resulting from the hearing shall be based upon the following factors: whether said Petitioner, as a motor vehicle owner or operator, has been involved or whose vehicle has been involved in a motor vehicle accident occurring within the State of Illinois and in which has resulted in bodily injury or death of any person or in which damage to the property of any one person exceeds the amount provided by statute; whether Petitioner is exempt from the Safety Responsibility Law and whether there exists a reasonable possibility of a civil judgment against the Petitioner. The Petitioner shall bear the burden of proof throughout the proceedings. The standard of proof shall be a preponderance of the evidence.
- c) The hearing shall be initiated by the issuance of a Notice of Hearing by the Secretary. Said notice shall be served upon the Petitioner, as the party against whom action may be taken by the Secretary, any interested party, and any attorney of record.
- d) The Notice of Hearing shall be a written statement setting forth, but not limited to the following information; to wit:
 - 1) The name of the Petitioner;
 - 2) The name and address of any claimants or injured parties;
 - 3) The date, time, place, and nature of the hearing;
 - 4) The matters to be addressed at the hearing;
 - 5) The name of the Hearing Officer;

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- 6) The specific sections of the Statutes involved; and
- 7) The statutory authority pursuant to which the hearing is being conducted.
- 8) Advise the Petitioner that a failure to appear will result in the denial of any relief requested and that at any rehearing granted under Section 1001.260 the Petitioner will be deemed to have waived the right to subpoena, or cross-examine witnesses that testified at the original hearing.

e) Hearings shall be conducted in the Counties of Cook, DeKalb, Will, Rock Island, Tazewell, Adams, Sangamon, Champaign, Coles, Kane, Marion, St. Clair, Jackson, and in such other locations as the Secretary shall from time to time designate. If the Secretary determines to abandon or change the location of the hearing outside the counties where any one of the thirteen (13) original hearings locations are situated, which are located in the counties listed in the previous sentence, the Secretary shall publish in a local newspaper of general circulation in each county served by such office, twenty days prior notice thereof. The notice shall indicate the reasons for such determination and shall identify the new location proposed to serve each county, if known at the time of publication.

f) Every hearing shall be presided over by a Hearing Officer duly appointed by the Secretary. The Secretary shall also appoint a representative to appear and participate in his behalf. Prior to the taking of evidence, a Petitioner may request the disqualification of the Hearing Officer by making a motion for same, stating the specific grounds upon which it is alleged that a fair and impartial hearing cannot be afforded the Petitioner by the Hearing Officer. The Hearing Officer will rule upon the motion and the motion shall be granted if the Hearing Officer previously heard the case, or is personally acquainted with the parties. If the motion is denied, the hearing will proceed. If the motion is granted, the case shall be transferred to another Hearing Officer for a same day hearing if possible. If not possible, a new hearing date will be established and a new Hearing Officer shall be assigned by the Secretary. The Hearing Officer shall have authority to conduct the hearing, to rule on all motions, to administer oaths, to subpoena witnesses or documents at the request of any party, to examine witnesses, and to rule upon the admissibility of testimony and evidence.

g) Each party to the hearing shall have the following rights:

- 1) The right to the issuance of subpoenas upon a ten (10) business day written request directed to the Hearing Officer;

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- 2) The right to call and examine witnesses;
 - 3) The right to cross-examine witnesses on any matter relevant to the issues, even though the matter was not covered on direct examination;
 - 4) The right to introduce exhibits; and
 - 5) The right to obtain in advance, upon written request, copies of all related police reports not designated confidential by State Law. Such requests must be submitted at least 10 business days prior to the hearing date to be considered. The parties may request copies of the related police reports at the hearing if the need for such copies could not be foreseen before the hearing, or the need for them arose because of issues or allegations adduced at the hearing.
- h) The Petitioner shall have the right to appear in person and be heard through an attorney at law licensed to practice in the State of Illinois or any law student licensed under Supreme Court Rule 711. If the Petitioner does not testify on his own behalf, he may be called by the representative of the Secretary and examined as if under cross-examination.

1) Attorneys admitted to practice in states other than the State of Illinois may appear by special leave of the Hearing Officer appointed to conduct the hearing, upon the attorney's verbal representation or written documentation as to the attorney's admittance.

2) A natural person may appear and be heard in his own behalf.

3) A corporation, association, or partnership may appear and present evidence by any bona fide officer, employee, or representative.

4) Only an attorney mentioned above, properly licensed shall represent anyone else in any hearing in any matter involving the exercise of legal skill or knowledge. The standards of conduct shall be the same as before the Courts of the State of Illinois.

i) The proceedings shall be recorded by a suitable electronic method. The Petitioner may furnish, at his own expense, a certified shorthand reporter. All records taken pursuant hereto shall be properly cataloged and preserved by the Secretary for a period of at least forty-five (45) days from the entry of the Hearing Officer's order. Oral proceedings, or any part thereof, shall be transcribed upon request of the Petitioner, any party, or their counsel at said

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requesting party's personal expense as specified in 2 Ill. Adm. Code 551.150, or the cost of an audio tape, plus mailing.

j) The record of a hearing held pursuant hereto shall include, but not be limited to, the following, to wit:

- 1) The notices, pleadings, and responses thereto;
- 2) The motions and rulings thereon;
- 3) The matters officially noticed;
- 4) The offers of proof made, objections thereon, and rulings thereon;
- 5) The opinions, recommendations, or reports by the Hearing Officer, Secretary, or Department; and
- 6) A transcript of the proceedings.

k) The Secretary will provide an interpreter for hearing impaired Petitioners and Interested Parties who wish to testify; providing a language interpreter, however, is the responsibility of the Petitioner or Interested Parties.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 1001.230 Rules of Evidence

a) The Hearing Officer shall conduct the hearing, and with respect thereto, shall have, but not be limited to, the following powers; to wit:

- 1) The authority to administer oaths;
 - 2) The authority to examine witnesses;
 - 3) The authority to issue subpoenas; and
 - 4) The authority to rule upon the admissibility of evidence.
- b) The hearing need not be conducted according to strict rules of evidence. Any relevant evidence may be admitted in a hearing held pursuant hereto if it is of the type relied upon by reasonable, prudent persons in the conduct of their affairs, regardless of the existence of any common law or statutory rule which would render it inadmissible over objection in civil or criminal actions. The rules pertaining to privileged communications shall be recognized in these hearings to the same extent as they are recognized in civil actions.

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Irrelevant and unduly repetitious evidence shall be excluded upon objection. Objections to evidentiary offers may be made and shall be noted in the record, and ruled upon by the Hearing Officer. Any party may make an offer of proof following an adverse evidentiary ruling. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Subject to the evidentiary requirements of this subsection, a party may conduct cross-examination required for a full and fair disclosure of the facts.

c) The Secretary may offer into evidence, and same shall be received into evidence by the Hearing Officer, any accident report forms required by Sections 11-406 and 11-410 of the Code and reports in the Secretary's possession furnished by any law enforcement agency that may have investigated the accident. The person who made such report need not be present or testify at the hearing; however, if such person is present his testimony may be taken in corroboration or in lieu of the aforementioned reports. Accident reports may be used in support of the preliminary finding of the Secretary when used in conjunction with testimony or other evidence, or when the Petitioner refuses to testify.

d) In cases where the operator of a motor vehicle is not the owner, the establishment of ownership of the motor vehicle creates a rebuttable presumption that the vehicle was being operated by the agent of the owner. As such, the owner is liable for the negligence of the agent. Agency may also be proven by other admissible evidence. The weight given the presumption and whether it is overcome, or whether agency is proven, are questions of fact for determination by the Hearing Officer. This presumption applies equally to private and commercial vehicles.

e) Upon proper motion, the Hearing Officer may grant Petitioner leave to submit additional relevant evidence. Leave must be granted for a time certain in no case to exceed 30 calendar days from the date of the hearing. Leave to submit additional evidence must be made a matter of record. Leave will not be granted to submit insurance letters or proof of compliance.

f) The jurisdiction of the Safety Responsibility Hearing applies to accidents which occur anywhere in Illinois and regardless of when the accident occurred. (See Sections 7-201 and 11-201 of the Code).

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 1001.240 Scope of Hearings

a) The issues to be determined at the hearing are the following; to

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wit:

- 1) The identity of the driver(s) involved in the accident;
- 2) The identity of the owner(s) of the vehicle(s) involved in the accident;
- 3) The nature and extent of the the bodily injury or property damage sustained in the accident;
- 4) Whether there is a reasonable possibility of either of the following situations occurring, to wit:

- A) A judgement being rendered against the Petitioner for liability resulting from bodily injury occasioned by the accident; or
- B) A judgment being rendered against the Petitioner for liability in an amount in excess of the statutory minimum of \$250 resulting from property damage to the property of any one person occasioned by the accident.

- 5) Should it be so determined that either of these two factual situations exist, the preliminary finding of the Secretary shall stand.

- 6) The existence of any other issue or element necessary to the establishment of a case, if same is contested by the Petitioner.

- b) The law of negligence as determined by the Illinois Supreme Court and the Illinois General Assembly will apply in the decisions made from the hearings.

- c) If a Petitioner requests a hearing and there is evidence of an installment agreement in the file, the Hearing Officer shall go on the record at the time of the scheduled hearing.

- 1) If the Petitioner wishes to contest liability or the amount of the security deposit required by the Department of Transportation certification, a full hearing shall be conducted based upon the facts of the accident and the amount of the damages involved. The validity of the installment agreement shall not be an issue and the hearing shall proceed as if no installment agreement exists.

- A) If the decision of the Hearing Officer is to exonerate the Petitioner, the Hearing Officer shall return the installment agreement to the Petitioner and inform the Petitioner

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that the decision does not alter the validity of the installment agreement.

- B) If the decision of the Hearing Officer is that the Petitioner did not rebut the preliminary finding of the Secretary, the Hearing Officer shall make such a finding, along with a finding regarding the amount of the security deposit required, as well as a finding that the Petitioner is in compliance by virtue of submission of the installment agreement.

- C) A hearing in the case shall be held even though there has been a default on the installment agreement.

- 2) If the Petitioner does not wish to contest liability or the amount of the certification, the Hearing Officer will go on the record and state these facts. The installment agreement will be forwarded to the Safety and Financial Responsibility Division, Driver Services Department, Illinois Secretary of State, and no action will be taken against the driving and registration privileges of the Petitioner at that time.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1001.250 Decisions and Orders

- a) Upon the completion of the presentation of evidence, if the Petitioner is unable to present a preponderance of evidence rebutting the preliminary finding of the Secretary or otherwise exempting the Petitioner from the purview of the statute, the Hearing Officer shall direct that an Order of Suspension be entered. However, if the Petitioner rebuts by a preponderance of the evidence the preliminary finding of the Secretary or otherwise establishes that the Petitioner is exempt from the purview of the statute, the Hearing Officer shall direct that an Order of Exoneration be entered and further direct that the Petitioner be dismissed.

- b) A copy of the Order entered pursuant to a hearing shall be served, as soon as practicable after entry of said Order, upon the Petitioner in the same manner as provided in Section 1001.220(c) above for the service of the Notice of Hearing.

- c) Decision on Petitioner's Refusal or Non-Appearance.

- 1) If the Petitioner fails to appear at the hearing, the Hearing Officer shall go on the record, state the Petitioner failed to appear and is Petitioner will be held to be in default. However, an attorney, who has filed an appearance on behalf of the Petitioner, may appear and present motions, and the

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provisions at Section 1001.220(f) shall be followed. If the attorney, in such a case, requests a continuance which is denied, the matter shall proceed and an appropriate order entered.

- 2) If a Petitioner appears for a hearing and refuses to testify on the grounds that any answer of his/hers may tend to incriminate him/her, then the Hearing Officer shall take an adverse inference from the refusal to testify and shall consider the adverse inference in addition to other evidence in determining whether Petitioner should be suspended or exonerated. If the Petitioner appears and refuses to testify without asserting the right against self-incrimination, the Hearing Officer shall enter any appropriate order as is required by the evidence and these rules.

- d) Except for evidence depositions admissible under the law of the State of Illinois, oral testimony shall be given greater weight by the Hearing Officer than a written statement which is unsubstantiated by oral testimony or other documentary evidence, on the same issue. In determining the weight to be accorded evidence the Hearing Officer shall take into account the demeanor and/or credibility of the proponent of the evidence. The certification from the Illinois Department of Transportation regarding the dollar amount of damages shall be given greater weight than oral testimony which is unsubstantiated by written corroboration, unless the witness is qualified as an expert in the field.

- e) Continuances.

- 1) Any party may, for good cause, request a continuance of the hearing provided same is postmarked not less than ten (10) days prior to the hearing. Said request shall be in writing and shall set forth the grounds alleged therefore. Oral requests will not be considered, unless made at the hearing for good cause shown.

- 2) If good cause is shown, the hearing will be rescheduled and all parties notified as required in this Rule.

- 3) Good cause is shown when it is demonstrated that a real and compelling need for additional time exists, such as, but not limited to, service in the armed forces, serious illness, family death, act of God, relating to any party or that party's attorney.

- 4) A request for a continuance to allow Petitioner time to submit proof of compliance shall not constitute good cause.

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- 5) No case may be continued "generally". Cases must be set for hearing no more than 60 days from the date the motion for continuance is made.

f)---Upon oral motion or written request of the Petitioner or Secretary, and for good cause shown, the Hearing Officer may stay the execution of any Administrative Order for a period not to exceed thirty (30) days:

(Source: Amended at Ill. Reg. _____, effective _____)

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section 1001.410 Definitions

"Abstinence" means to refrain from consuming any type of alcoholic liquor or drugs.

"Abstract" means a summary of a driver's record of traffic law violations, accidents, suspensions, revocations, cancellations, address and personal information of the driver, as contained in the files of the Office of the Secretary of State.

"Accredited educational course" means any class or course of instruction offered by an accredited educational institution, which course is either vocational in nature, or is part of the matriculation process in receiving an academic degree, diploma, or certificate. It shall also include attendance at any required instructional class in an apprentice program.

"Accredited educational institution" means any school, or institution, whether public or private, which offers classes or courses of instruction, and which is reviewed and approved or granted a waiver of approval by the controlling state agency.

"Alcohol and Drug Evaluation (Original)" means a typewritten report which conforms to standards established by the Illinois Department of Alcoholism and Substance Abuse (DASA). (See 77 Ill. Adm. Code 2056.305) The evaluation must be completed on a form prescribed by DASA. The evaluation must be signed and dated by both the evaluator and the Petitioner.

"Alcohol and Drug Evaluation (Update)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(B) of this Subpart. The evaluation must be completed on a form prescribed by the Department. The update evaluation must be completed by the evaluator who program

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which did the original evaluation.

"Alcohol and Drug Related Driver Remedial Program" means an educational program concerning the effects of alcohol/drugs on drivers of motor vehicles.

"Applicant" or "Petitioner" is the party who seeks or applies for relief from the Office from the suspension, revocation, cancellation, or denial of his/her driving privileges pursuant to the provisions of the Illinois Vehicle Code.

"BAC" means blood alcohol concentration as determined by a chemical test administered by police authorities or medical personnel to measure the concentration of alcohol in the bloodstream.

"Clinical Impression" means a qualified professional's (See definition of "Alcohol or Drug Evaluation") interpretation of specific data, which is obtained during an evaluation process, regarding the nature and extent of an individual's use of alcohol and/or other drugs.

"DASA" means the Illinois Department of Alcoholism and Substance Abuse.

"Department" means the Department of Administrative Hearings of the Office of the Secretary of State.

"Designated Driver Remedial or Rehabilitative Program" means an alcohol or drug evaluation, an alcohol or drug related driver remedial program, an alcohol or drug treatment program, the Office driver improvement program, or any similar program intended to diagnose and change an Applicant's driving problem as evidenced by the Applicant's abstract. (See Sections 6-205(c) and 6-206(c)3 of the Code.

"Director" means the Director or Acting Director of the Department.

"Documentation of Abstinence" means testimony and documentation, in the form of affidavits, letters, etc. from individuals who have regular, frequent contacts with the Petitioner (e.g. spouse, significant other, employer, co-workers, roommates) verifying that to the best of their knowledge the Petitioner has been abstinent from alcohol/drugs for a specified period of time.

"Driver License Compact" is an agreement among signatory states which deals with the problems of: issuing driver licenses to people who move from one signatory state to another; and drivers who are licensed in one signatory state and convicted of traffic offenses in other such states. Said Compact has been codified in Illinois and

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is found in Chapter 6, Article VII, of the Code

"DUI" means driving under the influence.

"Employ" or "Employment" shall all relate to activity for compensation to support oneself or one's dependents as well as activities ordered by a court in connection with a sentence which includes the completion of a term of community service.

"Evaluator" means any person qualified to conduct an alcohol and drug evaluation, which would include either a staff member of a DUI program licensed by DASA who satisfies that Department's qualifications, or physician. Evaluations may be performed by staff members of hospital based DUI programs where: the program is licensed by DASA to provide evaluations; the Petitioner has participated in and completed alcohol/drug treatment at the hospital; or where a previous evaluation by the program was submitted and accepted by the office of the Secretary of State. (See 77 Ill. Adm. Code 2056.1).

"Fee" means the statutory fees for restricted driving permits or reinstatement of driving privileges, as specified in Section 6-118 of the Code.

"Hearing" means Informal Hearings and Formal Hearings.

"JDP" means a Judicial Driving Permit, as defined by Section 6-206.1 of the Code which may be ordered by the court of venue to "first offenders" as defined in Section 11-501.1 of the Code.

"Level I - Non-problematic (Minimal Risk)" means the classification resulting from an alcohol and drug evaluation assigned to an Applicant who has no prior convictions or court ordered supervisions for DUI, a blood alcohol concentration (BAC) at time of arrest of less than .20, and no other symptoms of alcohol or drug abuse or dependence within the past twelve months. (See 77 Ill. Adm. Code 2056.310).

"Level II - Problematic Use (Moderate Risk)" means the classification resulting from an alcohol and drug evaluation assigned to an Applicant who has no prior conviction(s) or court ordered supervision(s) for DUI and a blood alcohol concentration (BAC) at the time of arrest of .20 or higher and no other symptoms of alcohol or drug abuse within the past twelve months. (See 77 Ill. Adm. Code 2056.310).

"Level II - Problematic Use (Significant Risk)" means the classification resulting from an alcohol and drug evaluation assigned to an Applicant who has prior conviction(s) or court ordered supervisions(s) for DUI and/or a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI and/or

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other symptoms of alcohol or drug abuse. (See 77 Ill. Adm. Code 2056.310).

"Level III - Problematic Use Dependent (High Risk)" means the classification resulting from an alcohol and drug evaluation assigned to an Applicant with symptoms of alcohol and/or drug dependence. (See 77 Ill. Adm. Code 2056.310).

"National Driver Register" means a central index, maintained by the U.S. Department of Transportation, of individuals whose driving privileges are denied, terminated or withdrawn, as reported by the states' driver licensing authorities.

"Office" means the Office of the Secretary of State and not any particular department address, or location.

"Reinstatement" means the restoration of driving privileges entitling the Applicant to apply for a new drivers license in accordance with the requirements of the Illinois Vehicle Code and the Rules promulgated thereunder.

"Respondent" means a person against whom a complaint or petition is filed, or who, by reason of interest in the subject matter of a petition of application or the relief sought therein, is made a Respondent or to whom an order or complaint is directed by the Department initiating a proceeding.

"RDP" means a restricted driving permit, as defined by Section 1-173.1 of the Code and limited as specified in Sections 6-205(c) and 6-206(c)(3) of the Code.

"Secretary" means the Illinois Secretary of State.

"Self-help Program" means an independent non-profit organization comprised of individuals who hold voluntary meetings specifically to help each member to achieve and/or maintain abstinence from alcohol and/or other drugs.

"Significant Other" means any person with whom an individual is experiencing an ongoing, close association that represents a meaningful part of that individual's established lifestyle (e.g. spouse, other family member, employer, co-worker, clergy member, roommate).

"Support/Recovery Program" means specific activities which a recovering alcoholic/chemically dependent person has incorporated into his/her lifestyle to help support his/her continued abstinence from alcohol and other drugs. This may include, but is not limited to participating in a self-help group (Alcoholics Anonymous, Narcotics Anonymous, etc.), a professional support group, or regularly and frequently engaging in religious activities which have a distinct

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and positive effect on an individual's continued abstinence. Any activity and its relationship to the individual's ability to remain abstinent must be clearly identified and verified by proper documentation independent from an individual's self report (such as indicated in Section 1001.440(e)-(1)). The Hearing Officer shall determine the viability of the activity as a means of supporting continued abstinence, taking into account all the evidence brought forward at the hearing.

"Undue Hardship" as it relates to educational pursuits means an extreme difficulty in getting to and from the location of the accredited education course, due to the loss of driving privileges. It is more than mere inconvenience to the Applicant, and pertains only to the Applicant. All other reasonable means of transportation must be unavailable to the Applicant. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue Hardship" relating to employment means, as used in the context of Sections 6-205(c) and 6-206(c)3 of the Code an extreme difficulty in regard to getting to or from an Applicant's place of employment or to operate on a route during employment, e.g. as delivery person, because of the suspension, revocation, or cancellation of the Applicant's driving privileges. It is more than mere inconvenience on the Applicant, and pertains only to the Applicant. All other reasonable means of transportation must be unavailable to the Applicant. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue Hardship" as it relates to necessary medical care means an extreme difficulty in regard to getting to and from a location where an Applicant or a member of his/her immediate family receives examinations, therapy or treatment, etc., prescribed or recommended by a physician and, in the case of a diagnosis or clinical impression of alcoholism/chemical dependency, where an Applicant is participating in an ongoing support program as prescribed or recommended by a physician or other qualified professional. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the Applicant's driving privileges are suspended or revoked.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 1001.420 General Provisions Relating to the Issuance of Restricted Driving Permits

a) RDP Classifications

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- 1) An Applicant for an employment related RDP must be currently employed, or present a verifiable commitment for employment, and the employment must be verified upon forms prescribed by the Department. If the Petitioner is self-employed, evidence of self-employment can include, but is not limited to stationery, business card, official receipt, check, State or Federal tax returns or letters from business associates.
- 2) An Applicant for a RDP for medical or treatment purposes must provide verifiable documentation from the doctor, counselor or program involved.
- 3) An Applicant for a RDP for court ordered community service must provide certified court documents detailing the terms of the service, including but not limited to the place or places the service is performed, the hours during which the service is to be performed and the nature of the service.
- 4) An Applicant for an educational RDP must be currently enrolled, or intend on enrolling, in an accredited educational institution for the purpose of taking an accredited educational course or courses. Prior to the issuance of any educational RDP, the Applicant must submit verification of such enrollment from the institution. Such verification shall be on a form provided by the Secretary of State.
- 5) A RDP may be granted only after suspension, revocation, or cancellation for the offenses listed in Sections 6-205, 6-206, 6-303, 6-201(a)5 as it relates to 6-103.4 and 11-501.1 of the Code. Applicants who are eligible to apply for a JDP will not be considered for a RDP.
- 6) An Applicant must prove by clear and convincing evidence that an undue hardship is currently being suffered as a result of the inability to legally operate a motor vehicle. Mere inconvenience to the Applicant, or family and friends is not undue hardship. The Applicant should produce clear and convincing evidence as to the unavailability of reasonable alternative means of transportation, such as but not limited to: walking, mass transit, car pools, or being driven; how Applicant is currently getting to his/her destination; whether driving is required in the course of employment; the distance between the Applicant's residence and his/her destination; and similar factors relating to employment, necessary medical care, and/or educational pursuits.
- 7) Appropriate limits will be established for necessary on-the-job driving. The days, hours, and mileage limits will not exceed those absolutely necessary for the accomplishment of the applicant's primary employment and shall be limited to a

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- 8) maximum of twelve (12) hours per day and six (6) days per week unless the request for increased limits is substantially documented, such as through an employer's verification of the Petitioner's work schedule.
- 9) A medical RDP may include attendance at no more than three self-help program meetings per week.
- 10) An educational RDP will be subject to appropriate limits necessary to allow the Applicant to get to and from the subject institution/courses. The days and hours will not exceed those absolutely necessary for that purpose and shall be limited to a maximum of twelve (12) hours per day and six (6) days per week. Additional parameters to consider in setting such limits shall include whether the Applicant commutes daily to the courses, or lives on or within a radius of (1) mile from the campus and only needs to drive to and from the institution on an infrequent basis (less than once per week) and is then able to get to the courses by other means of transportation. Such permit shall expire at the conclusion of the period in which the Applicant is currently enrolled. Each new enrollment period shall require a new application for an educational RDP.
- 11) Factors which will be considered by the Department in determining the propriety of granting a Petitioner a RDP include, but are not limited to: the Applicant's age; whether the Applicant has driven while suspended or revoked; duration of present employment; number of years licensed to drive; number, severity, and frequency of accidents; frequency, type, and severity of traffic violations; efforts at rehabilitation or reform of past driving practices; demeanor of Applicant in hearing; credibility of Applicant and witnesses in hearing; credibility and weight of Applicant's documentary evidence; Applicant's total driving record, including but not limited to reasons for violations, prior permits issued (unless such permits were issued pursuant to the order of a circuit or appellate court following an administrative review action) and driving record while on such permits, driving history in another state if licensed previously; reports of probation and/or parole officers; and psychiatric reports where the evidence shows that Petitioner is suffering or has suffered from a mental disorder which might affect his/her ability to operate a motor vehicle in a safe and responsible manner.
- 12) The effect of the issuance of a RDP upon public safety will be carefully considered before any RDP is granted, pursuant to Sections 6-205(c) and 6-206(c)3 of the Code.
- 13) No RDP will be issued while any ticket is pending against him/her in any court of this or any other state, unless the pending citation or citations are also the cause of an open summary suspension or

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suspensions.

g) A Petitioner who is otherwise eligible for a RDP may be referred to a remedial or rehabilitative program prior to the permit's issuance, if his/her driving record warrants such measures. (See Sections 6-205(c) and 6-206(c)(3) of the Code).

h) A Petitioner otherwise eligible for reinstatement of driving privileges or termination of a cancellation under 6-201(a)5 as it relates to 6-103.4, may be issued a RDP for a probationary or trial period, prior to full reinstatement of driving privileges or termination of cancellation in cases where the Petitioner has a poor driving record evidenced by many minor violations or a few serious violations or has been evaluated as Level II or Level III by an alcohol/drug evaluation.

i) A RDP will be issued to an out-of-state resident only if he/she has a valid license to drive issued by the jurisdiction in which he/she resides; he/she has a verified employment, medical, or educational related need to drive in Illinois; and he/she complies with all other requirements of this Subpart.

j) A RDP will not be issued to a new resident of Illinois if his/her driving privileges are suspended or revoked in another jurisdiction until such time as that suspension or revocation ends.

k) No fees will be collected before a decision is made on an application.

l) The Director or a designee shall make the final decision, on each application, on behalf of the Secretary. Applicants will receive a copy of the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommendations, and the Secretary's Order.

m) A Petitioner will be required to complete and submit an alcohol and drug evaluation as part of the Secretary's investigative process, where the evidence indicates that alcohol or drug use may have been involved in a traffic violation, a traffic accident or any crime.

n) A Petitioner will be required to submit to a driver's license examination prior to the issuance of a RDP if no such test has been successfully completed in the preceding twelve (12) months.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1001.450 New Hearings

a) If an Applicant is denied any relief after a Formal Hearing conducted pursuant to the Rules of Subpart A hereof, either for cause or upon

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default no new formal or informal hearing will be granted to that Applicant until at least four (4) months have elapsed since the date of the hearing.

b) ---No new hearing will be granted to an Applicant if that Applicant has a case pending in administrative review on the same issue:

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1001.485 Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact

a) An Applicant who is revoked in Illinois, is issued full driving privileges by a state that is a member of the Driver License Compact, and who requests reinstatement based upon that fact must request a hearing to apply for reinstatement to determine whether the license was properly issued.

b) In determining whether the license was properly issued by the member state, the following factors will be in issue:

1) whether one year has passed from the effective date of the revocation;

2) whether the Applicant disclosed to the issuing state that the individual's privileges were withdrawn by the State of Illinois at the time of the application for the license in the other state;

3) whether the issuing state verified eligibility with the National Driver Register;

4) whether or not Illinois issued a clearance authorization indicating that the Applicant is eligible for full driving privileges in Illinois;

5) whether the issuing state complied with all other requirements of the Driver License Compact;

6) such other issues as may be deemed relevant at the hearing.

c) The burden of proof is upon the Applicant who must show by clear and convincing evidence that the license was properly issued by the member state.

d) If the Applicant cannot show that the license was properly issued by the member state, then prior to any reinstatement of driving privileges, all of the provisions of this Part 1001 are applicable and must be complied with.

SECRETARY OF STATE

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(Source: Added at ___ Ill. Reg. ___, effective _____)

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- 1) The Heading of the Part: Standard Filing Requirements for Electric, Gas, Water and Sewer Utilities and Telecommunications Carriers in Filing for an Increase in Rates
- 2) Code Citation: 83 Ill. Adm. Code 285
- 3)
- | Section Number: | Adopted Action: | Section Number: | Adopted Action: |
|-----------------|-----------------|-----------------|-----------------|
| 285.110 | Amendment | 285.2100 | New Section |
| 285.115 | Amendment | 285.2105 | New Section |
| 285.130 | Amendment | 285.2110 | New Section |
| 285.140 | Amendment | 285.2115 | New Section |
| 285.145 | New Section | 285.2120 | New Section |
| 285.150 | Amendment | 285.2125 | New Section |
| 285.160 | Amendment | 285.3000 | New Section |
| 285.170 | Amendment | 285.3005 | New Section |
| 285.210 | Amendment | 285.3010 | New Section |
| 285.310 | Amendment | 285.3015 | New Section |
| 285.410 | Amendment | 285.3020 | New Section |
| 285.420 | Amendment | 285.3025 | New Section |
| 285.1000 | New Section | 285.3030 | New Section |
| 285.1005 | New Section | 285.3035 | New Section |
| 285.1010 | New Section | 285.3040 | New Section |
| 285.1015 | New Section | 285.3045 | New Section |
| 285.2000 | New Section | 285.3050 | New Section |
| 285.2005 | New Section | 285.3055 | New Section |
| 285.2010 | New Section | 285.3060 | New Section |
| 285.2015 | New Section | 285.3061 | New Section |
| 285.2020 | New Section | 285.3065 | New Section |
| 285.2025 | New Section | 285.3070 | New Section |
| 285.2030 | New Section | 285.3075 | New Section |
| 285.2035 | New Section | 285.3080 | New Section |
| 285.2040 | New Section | 285.3085 | New Section |
| 285.2045 | New Section | 285.3090 | New Section |
| 285.2050 | New Section | 285.3095 | New Section |
| 285.2055 | New Section | 285.3100 | New Section |
| 285.2060 | New Section | 285.3110 | New Section |
| 285.2065 | New Section | 285.3115 | New Section |
| 285.2070 | New Section | 285.3120 | New Section |
| 285.2075 | New Section | 285.3125 | New Section |
| 285.2080 | New Section | 285.3130 | New Section |
| 285.2085 | New Section | 285.4000 | New Section |
| 285.2090 | New Section | 285.4001 | New Section |
| 285.2095 | New Section | 285.4005 | New Section |

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Section Number:	Adopted Action:	Section Number:	Adopted Action:
285.4010	New Section	285.5015	New Section
285.4015	New Section	285.5020	New Section
285.4020	New Section	285.5025	New Section
285.4025	New Section	285.EXHIBIT A	Repealed
285.5000	New Section	285.EXHIBIT B	Repealed
285.5005	New Section	285.EXHIBIT C	Repealed
285.5010	New Section	285.EXHIBIT D	Repealed
		285.EXHIBIT E	Repealed

4) Statutory Authority: Implementing Section 9-201 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 9-201 and 10-101).

5) Effective Date of Amendment: May 1, 1990

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? Yes, but these incorporations do not require approval form.

8) Date Filed in Agency's Principal Office: April 11, 1990

9) Notice of Proposal Published in Illinois Register:

April 21, 1989, at 13 Ill. Reg. 5229.

10) Has JCAR issued a Statement of Objections to this Amendment? No.

11) Difference(s) between proposal and final version:

Table of Contents: Section 285.140 split into 2 Sections. Section 285.145 added to Table of Contents.

Table of Contents: Heading of Section 285.4025 changed.

Section 285.140: Section divided into 2 Sections. Section 285.140(c) now Section 285.145. Sections 285.140 and 285.145 updated as far as terminology is concerned.

Section 285.150(b)(3)(A)-(J): New language added in response to a question from the Joint Committee.

Section 285.150(d): Second sentence, "The Commission . . . has occurred" has been added.

Section 285.410(r), (s), and (t): Typographical errors corrected.

Section 285.2005(b)(3): Added language is in response to a question from the Joint Committee.

Section 285.2060(a): Second sentence rewritten for clarity.

Section 285.3075: Last sentence rewritten.

Section 285.3130: Subsection (a) of originally proposed language deleted. Subsection (b) now the entire Section.

Section 285.4025: Heading of Section changed.

Section 285.5010: Ellipsis added to material in parentheses.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this amendment replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendment: 83 Ill. Adm. Code 285 lists the information to be filed with the Commission at the time a public utility or a telecommunications carrier files for an increase in rates. The purposes of the amendments are to update the rules to reflect the recent amendment of The Public Utilities Act, to reflect the restructuring of the telecommunications industry, and to improve the format of the rules.

16) Information and questions regarding this adopted amendment shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217) 785-8439

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The full text of the Adopted Amendment begins on the next page:

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN
ONE KIND OF UTILITY

PART 285
STANDARD FILING REQUIREMENTS FOR ELECTRIC, GAS,
TELEPHONE, WATER AND SEWER UTILITIES
AND TELECOMMUNICATIONS CARRIERS IN FILING
FOR AN INCREASE IN RATES
(GENERAL-ORDER-2107)

SUBPART A: GENERAL INSTRUCTIONS

Section	Purpose
285.110	Definitions
285.115	Applicability
285.120	Minimum Requirements
285.130	Waiver of Information Requirements
285.145	Compliance
285.150	Definition-of-terms Test Year
285.160	Submission of Written Testimony
285.170	Schedules
285.180	Working Papers

SUBPART B: SUPPLEMENTAL FILING REQUIREMENTS (L)

Section	Information to be Included
285.205	Material to be Filed

SUBPART C: SUPPLEMENTAL INFORMATION

Section	Information to be Made Available
285.310	

SUBPART D: PRODUCTIVITY DATA AND COMPONENT EFFICIENCY
MEASURES (L)

Section	Information to be Made Available
285.405	Productivity Data
285.410	Component Efficiency Measures
285.420	

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SUBPART E: PROPRIETARY AND CONFIDENTIAL INFORMATION

Section
285.510

Proprietary and Confidential Information

SUBPART F: REVENUE AND FINANCIAL SUMMARIES

Section

Revenue and Financial Summaries

285.1000
285.1005 Schedule A-1 Comparison of Present and Proposed Rates Jurisdictional Pro Forma (Non-Telecommunications Carriers)

285.1010 Schedule A-2 Comparison of Present and Proposed Rates (Telecommunications Carriers)

285.1015 Schedule A-3 Overall Financial Summary

SUBPART G: RATE BASE

Section

Rate Base Instructions

285.2000
285.2005
285.2010 Schedule B-1 Jurisdictional Rate Base Summary
Schedule B-2 Plant in Service by Major Property Grouping or Major Account (Original Cost)

285.2015 Schedule B-2.1 Proposed Adjustments to Plant in Service (Original Cost)

285.2020 Schedule B-2.2 Gross Additions, Retirements and Transfers (Original Cost)

285.2025 Schedule B-2.3 Property Merged or Acquired from Other Utilities

285.2030 Schedule B-2.4 Leased Property Included in Rate Base

285.2035 Schedule B-2.5 Property Held for Future Use Included in Rate Base

285.2040 Schedule B-2.6 Property Excluded from Rate Base

285.2045 Schedule B-3 Depreciation Reserve

285.2050 Schedule B-3.1 Proposed Adjustments to Depreciation Reserve

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285.2060 Schedule B-4 Construction Work in Progress

285.2065 Schedule B-4.1 (L) Construction Work in Progress Percent Complete

285.2070 Schedule B-5 Allowance for Working Capital

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285.2080 Schedule B-6 Jurisdictional Allocation Factors

285.2085 Schedule B-6.1 Jurisdictional Allocation Statistics - Rate Base

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285.2090

Schedule B-6.2 Explanation of Changes in Allocation Procedures - Rate Base

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Schedule B-7 Comparative Balance Sheet for Most Recent Five Fiscal or Calendar Years

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Fair Value Rate Base

285.2105

Schedule B-8 Jurisdictional Current Value Rate Base Summary

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Schedule B-8.1 Current Value Plant in Service by Major Property Grouping or Major Account

285.2115

Schedule B-8.2 Proposed Adjustments to Current Value Plant in Service

285.2120

Schedule B-8.3 Current Value Depreciation Reserve

285.2125

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SUBPART H: OPERATING INCOME

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Operating Income Instructions

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Schedule C-1 Jurisdictional Operating Income Summary

285.3005

Schedule C-2 Detailed Jurisdictional Operating Income Statement

285.3010

Schedule C-3 Summary of Utility Proposed Adjustments

285.3015

Schedules C-3.1, 2, 3, etc. Detailed Adjustments

285.3020

Schedule C-4 Reconciliation of Filed Operating Income and Expense

285.3025

Schedule C-5 Summary of Jurisdictional Allocational Factors

285.3030

Schedule C-5.1 Allocation Statistics

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Account Analyses

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Schedule C-6 Income Tax

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Schedule C-6.1 Investment Tax and Job Development Credits

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Schedule C-7 Social and Service Club Membership Dues

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Schedule C-9 Demonstration and Selling, Advertising, and Miscellaneous Sales Expenses

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Schedule C-11 Rate Case Expense

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Schedule C-12 Payroll Costs

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Schedule C-12.1 Executive Compensation

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Schedule C-13 Summary of Affiliated Interest Transactions

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Schedule C-14 Computation of Gross Revenue Conversion Factor

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285.3100	<u>Schedule C-15 Comparative Income Statements for the Most Recent Five Fiscal or Calendar Years</u>
285.3110	<u>Schedule C-16.1 (L) Sales Statistics - Total Company Revenue (Electric and Gas)</u>
285.3115	<u>Schedule C-16.2 (L) Sales Statistics - Total Company Sales Volume (Electric and Gas)</u>
285.3120	<u>Schedule C-16.3 (L) Sales Statistics - Jurisdictional Revenue (Electric and Gas)</u>
285.3125	<u>Schedule C-16.4 (L) Sales Statistics - Jurisdictional Sales Volume (Electric and Gas)</u>
285.3130	<u>Schedule C-17 Long-Run Marginal Cost Study(ies) (Telecommunications)</u>

SUBPART I: RATE OF RETURN

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285.4000	<u>Schedule D-1 Cost of Capital Summary</u>
285.4001	<u>Terms Used in Subpart I</u>
285.4005	<u>Schedule D-2 Cost of Short-Term Debt</u>
285.4010	<u>Schedule D-3 Embedded Cost of Long-Term Debt, including Notes</u>
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285.4020	<u>Schedule D-5 Comparative Financial Data</u>
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SUBPART J: RATES AND TARIFFS

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285.5000	<u>Schedule E-1 Copy of Proposed Tariff Schedules</u>
285.5005	<u>Schedule E-2 Scored Copy of Proposed Tariff Schedules</u>
285.5010	<u>Schedule E-3 Narrative Rationale for Tariff Changes</u>
285.5015	<u>Schedule E-4 Jurisdictional Operating Revenue</u>
285.5020	<u>Schedule E-5 Billing Units</u>
285.5025	<u>Schedule E-6 Typical Bill Comparison</u>

ILLUSTRATION A Working Papers Referencing System

EXHIBIT A	<u>Revenue and Financial Summaries (Repealed)</u>
EXHIBIT B	<u>Rate Base (Repealed)</u>
EXHIBIT C	<u>Operating Income (Repealed)</u>
EXHIBIT D	<u>Rate of Return (Repealed)</u>
EXHIBIT E	<u>Rates and Tariffs (Repealed)</u>

AUTHORITY: Implementing Section 9-201 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 9-201 and 10-101).

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SOURCE: Adopted at 5 Ill. Reg. 9029, effective August 28, 1981; amended and codified at 7 Ill. Reg. 15562, effective December 20, 1983; emergency amendment at 10 Ill. Reg. 760, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 8980, effective May 25, 1986; amended at 14 Ill. Reg. 6000, effective May 1, 1990.

SUBPART A: GENERAL INSTRUCTIONS

Section 285.110 Purpose

The Standard Filing Requirements are designed to assist the Commission in performing a thorough and expeditious review of filings for base rate increases under Section 9-201 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 9-201). Schedules contained in the filing requirements may be designed to provide support for the utility's position or to provide supplemental information to facilitate the Commission Staff's review of the filing. The format presentation of information in these filing requirements should not be construed to bind the Commission to a decision based on this data. The information supplied under these Standard Filing Requirements shall not be construed as evidence or made part of the record unless it is offered by a party under the applicable Commission rules (83 Ill. Adm. Code 200.610 to 200.700). ~~The mere filing of any information under the Standard Filing Requirements will not act to establish the utility's prima facie case.~~

(Source: Amended at 14 Ill. Reg. 6000, effective May 1, 1990)

Section 285.115 Definitions

"Act" means The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 1-101 et seq.).

"Average data" means the 13-month average data base required for materials and supplies, fuels, gas in underground storage, and accrued real estate taxes. A 13-month average would be the average of the period beginning with the last month of the proposed Test Year and going back a period of 13 months. If monthly data are not available, the term "average" is to be construed as a simple average of beginning and end-of-year amounts.

"Jurisdictional" means the portion of a utility's certificated service or area for which the requested rate increase is applicable.

"Law" means the Universal Telephone Service Protection Law of 1985, Article XIII of the Act (Ill. Rev. Stat. 19857, ch. 111 2/3, pars. 13-101 to 13-803).

"Total jurisdictional annual revenue," as used in Sections 285.120 and 285.130, means the utility's total revenue subject to the jurisdiction of the Commission.

"Utility," unless the context indicates differently, shall include telecommunications carrier.

(Source: Amended at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.130 Minimum Requirements

- a) For Large and Medium utilities the Standard Filing Requirements contain the minimum information which a utility is required to submit at the time of its filing for an increase in base rates when such increase results in an increase in total jurisdictional annual revenue of 1.0% or more. The schedules contained in the filing requirements provide the basic information normally required to support a utility's filing. If the utility believes that additional information is necessary to support its case or is proposing a position which requires a departure from the basic schedules (e.g., a special revenue adjustment proposal), the utility should supplement the Standard Filing Requirements as required to support its position. All such supplemental information shall be clearly marked as having been provided at the initiative of the utility. In addition, the Commission, pursuant to Section 9 5-101 of "An Act concerning public utilities" the Act may require utilities to supply information if more current information is available in addition to these requirements during the course of the Staff investigation of a specific case. The filing of any information will not preclude any party from exercising its right to receive a copy of the information, upon request. Submit 6 copies of the completed Standard Filing to the Commission.

- b) For Small utilities (except those utilities requesting a staff review, examination and evaluation of its books, records and operations prior to the filing of a general rate case pursuant to the notice requirements of General Order No. 1577-Rule-3477-to-be-codified-as 83 Ill. Adm. Code 255.20(f)) (See Section 9-201(a) of the Act) a utility is required to submit at the time of filing for an increase in base rates, when such increase results in an increase in the total jurisdictional annual revenue of 1.0% or more, its complete proposed direct case, testimony of its witnesses and exhibits, to be presented in support of such increase. Small utilities may use the Standard Filing Requirements and associated forms as a guide to determine the type of information sought by the Commission, with the exception that Test Year selection and presentation shall be made pursuant to the definition of "Test Year" in Section 285.150.

(Source: Amended at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.140 Waiver of Information Requirements

- a) Requests for waivers from the Standard Filing Requirements should be filed with the Commission at least 35 days prior to the filing of new tariffs for which the waiver would first be effective, if granted. The Commission shall list all waivers requested on the Report of Daily Filing. If the Commission or its delegate does not act within 28 days from the date of the request, the requested waiver will be deemed to have been granted. Waivers, either granting or a denial, will be acted on by the Manager of the Hearings Examiners Division or his appointed representative (Hearing Examiner) and will be in writing.
- b) A request for waiver of any of the provisions of the Standard Filing Requirements shall be in writing, verified, and must set forth the specific reasons in support of the request. The Commission shall grant the request for a waiver upon good cause shown by the utility. In determining whether good cause has been shown, the Commission shall consider, among other things:

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- 1) whether other information, which the utility would provide if the waiver is granted, permits the Commission Staff to review the rate filing in a complete and timely manner;
- 2) the degree to which the information which is the subject of the waiver request is maintained by the utility in the ordinary course of business or available to it from the information which it maintains;
- 3) the expense to the utility in providing the information, which is the subject of the waiver request.
- e) compliance
- 1) Within 20 days after the date of filing the tariffs, the Manager of the Hearing Examiners Division or his appointed representative (Hearing Examiner) shall provide the utility a list in writing of any deficiencies in the filing and provide the utility 20 days from receipt of notice to file the additional information.
- 2) If the utility fails to comply with this Part, after having been notified in writing, and fails to provide to the Commission with the requested information, such failure could result in a citation or other enforcement pursuant to law for failure to comply with a Commission Order. In determining whether to take enforcement action, the Commission shall consider, among other things,
- 1) the Commission's need for the information;
- 2) the difficulty to the utility of providing the information; and
- 3) whether the utility has denied access to requested information in the past.
- (Source: Amended at 14 Ill. Reg. 6000 , effective May 1, 1990)

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- a) Within 28 days after the date of filing the tariffs, the Manager of the Hearing Examiners Division or his appointed representative (Hearing Examiner) shall provide the utility a list in writing of any deficiencies in the filing and provide the utility 28 days from receipt of notice to file the additional information.
- b) If the utility fails to comply with this Part, after having been notified in writing, and fails to provide the Commission with the requested information, such failure could result in a citation or other enforcement pursuant to law for failure to comply with a Commission Order. In determining whether to take enforcement action, the Commission shall consider, among other things,
- 1) the Commission's need for the information;
- 2) the difficulty to the utility of providing the information; and
- 3) whether the utility has denied access to requested information in the past.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.150 Definition of Terms Test Year

Average Data---A 12-month average data base is required for materials and supplies, fuels, gas in underground storage and accrued real estate taxes.---A 12-month average would be the average of the period beginning with the month ending with the last month of the proposed test year and going back a period of 12 months.---if monthly data is not available, the term "average" is to be construed as a simple average of beginning and end of year amounts.

Individual Responsible---Person who is responsible for the information supplied

Jurisdictional---Except as used in Sections 285.120 and 285.130, the term "jurisdictional" refers to the portion of a utility's certified service area for which the requested rate increase is applicable.---the term "total

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jurisdictional annual revenue" as used in Sections 285-120 and 285-130 refers to the utility's total revenue subject to the jurisdiction of the Commission.

- a) Test Year - A utility, at its option, may propose any one of the following twelve-month periods as its proposed Test Year:

1) Historical

A) Either the latest 12-month period for which actual data is available at the time of filing new tariffs; or

B) The latest calendar or fiscal year for which actual data is available at the time of filing new tariffs.

2)

Current. Any consecutive 12-month period ending no later than twelve (12) months after the date new tariffs are filed. A utility selecting a eCurrent Test Year shall also file, where required by this Part, data for the 12-month period immediately preceding the eCurrent Test Year selected, which period shall be the "historical period" for the utility. A utility which selects that a current year, which, with an updates, results in a completely historical and actual year, in the record by the end of the proceeding, will not be required to comply with filer requirements or show, pursuant to this Part, the requirements of subsection (b), for a current or future Test Year. During the suspension period, the utility shall update its filing in accordance with the schedule established in the proceeding as actual data becomes available or as significant and material changes in the forecast occur. Examples of significant and material changes would include, but not be limited to, a general economic upturn or downturn, which was not forecast, and unexpected changes in revenue requirements, and unexpected additions or losses of customers served.

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- 3) Future. Any consecutive 12-month period ending no later than twenty-four (24) months after the date new tariffs are filed. A utility selecting a eFuture Test Year shall file, where required by this Part, data for the twelve (12) consecutive months immediately preceding the eFuture Test Year, which period shall be the "current period" for the utility. The utility shall also file, where required by this Part, data for the twelve (12) consecutive months immediately preceding the current period, which period shall be the "historical period" for the utility. During the suspension period, the utility shall update its filing in accordance with the schedule established in the proceeding as actual data becomes available or as significant and material changes in the forecast occur. Examples of significant and material changes would include, but not be limited to, a general economic upturn or downturn which was not forecast, and unexpected changes in revenue requirements, and unexpected additions or losses of customers served.

A utility may propose pro forma adjustments of the operating results of the test year to reflect significant changes in plant investment, operating revenues and expenses and capital structure where such changes occurred during the historical or current test year. Any proposed adjustment to the test year shall be individually identified and supported in the direct testimony of the utility. Each adjustment shall be submitted in accordance with the Standard Filing Requirements.

b)

A utility selecting a eCurrent or eFuture Test Year must present the following information:

- 1) A comparison of forecast period data to historical period data to demonstrate the reliability and accuracy of the utility's forecast including a comparison of prior years' forecast or budgeted data to actual data for those periods.

2)

A statement of compliance with the Guidelines for Systems for the Preparation of Financial Forecasts", (October 7, 1980) by the American Institute of Certified Public Accountants, and an

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opinion from an independent-certified-public accountant-that-the-utility-has-complied-with-the guideline?

A statement from an independent certified public accountant that there is compliance in the preparation and presentation of the applicable schedules with the Guide for Prospective Financial Statements (copyright 1986) by the American Institute of Certified Public Accountants. No later amendment or edition is included by this incorporation.

3) A statement that its forecast is reasonable, reliable, and was made in good faith and that all basic assumptions used in making or supporting the forecast are reasonable, evaluated, identified, and justified to allow the Commission Staff to test the appropriateness of the forecast. In evaluating the appropriateness, the Commission Staff will consider:

A) Whether sources of information about the assumptions have been considered. Examples of external sources that might be considered are government publications, industry publications, economic forecasts, existing or proposed legislation, and reports of changing technology. Examples of internal sources are budgets, labor agreements, patents, royalty agreements, engineering studies, historical financial statements and records, sales backlog records, debt agreements, and board of directors actions involving entity plans;

B) Whether the assumptions are consistent with the sources from which they are derived;

C) Whether the assumptions are consistent with each other;

D) Whether the assumptions are internally consistent;

E) Whether the historical financial information and other data used in developing the assumptions are reliable for that purpose.

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Reliability can be assessed by inquiry or by analytical or other procedures, some of which may have been completed in past examinations or reviews of the historical financial statements:

F) Whether the historical financial information and other data used in developing the assumptions are comparable over the periods specified or whether the effects of any lack of comparability were considered in developing the assumptions;

G) Whether the argument or theory, is supported by assumptions;

H) Whether the forecast reflects the identified assumptions;

I) Whether the computations made to translate the assumptions into forecasted amounts are mathematically accurate; and

J) Whether the accounting principles used in the forecast are consistent with the accounting principles expected to be used in the historical financial statements covering the forecast period(s), and those used in the most recent historical financial statements, if any.

4) A statement that the forecast contains the same assumptions and methodologies as used in the forecast prepared for management or other entities, such as the Securities Exchange Commission or the financial community; if different, then why they are different; and

5) A statement that the accounting treatment which has been applied to anticipated events and transactions in the forecast is the same as the accounting treatment to be applied in recording the events once they have occurred. A statement-that-it-has-a-program-or-programs-in-place-to-achieve-improvements-in-productivity-and efficiency-and-that-the-assumptions-as-to-forecast

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productivity-or-efficiency-gains-are-identified-in the-forecast.

- c) Each utility which selects a current or future Test Year shall, if requested by the Commission Staff, prepare for the Staff forecasts using alternative assumptions. Such requests will be made when the Commission Staff has reason to believe that alternative assumptions have equal or greater validity.
- d) Updates. During the suspension period, the utility may be permitted or required to update its filing for significant and material changes in accordance with the schedule established in the proceeding as actual data becomes available. The Commission shall require a utility to update its filing when evidence has been introduced that a significant and material change has occurred. In establishing this schedule, the timing and scope of updated filings and the advisability of requiring that any updated filing be accompanied by an opinion from an independent certified public accountant and other information described in subsection (b) shall be considered. Except for good cause shown, a utility shall not be permitted to submit more than one updated filing, or to submit an updated filing during the final 150 days of the resuspension period. A determination of whether good cause has been shown shall include, but not be limited to, the consideration of whether the impact on revenue requirement is potentially significant, whether the changes could reasonably be reflected in an earlier updated filing, and whether the Commission staff and other participants will have an adequate opportunity to review the filing. Examples of significant and material changes would include, but not be limited to, a general economic upturn or downturn which was not in the forecast, unexpected changes in revenue requirements, and unexpected additions or losses of customers served. Whenever the utility updates projected data in its selected Test Year, a reconciliation of original and updated filings shall be provided by the utility, which shall identify and support in its testimony and exhibits the change from any projections in its original filing.
- e) Adjustments. A utility may propose pro forma adjustments (estimated or calculated adjustments made in the same context and format that the affected

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information was provided) to the selected Historical or Current Test Year for all known and measurable changes in the operating results of the Test Year. These adjustments shall reflect significant changes (changes affecting the ratepayers) in plant investment, operating revenues, expenses and capital structure where such changes occurred during the selected Historical or Current Test Year or are reasonably certain to occur subsequent to the selected Test Year within 12 months from the filing date of the tariffs and the amount of the changes are determinable. Attrition or inflation factors shall not substitute for a particularized study of individual capital, revenue and expense components. Any proposed known and measurable adjustment to the Test Year shall be individually identified and supported in the direct testimony of the utility. Each adjustment shall be submitted in accordance with the Standard Filing Requirements' Schedules.

(Source: Amended at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.160 Submission of Written Testimony

Utilities shall, at the time of filing of tariffs for a base rate increase, file the prepared direct testimony and exhibits of utility personnel and/or other any expert witnesses in support of the utility's proposals. Prepared direct testimony shall be in compliance with the Commission's Rules of Practice (General Order #547--to-be-revised-as 83 Ill. Adm. Code 200). Submission of direct testimony shall not preclude submission of supplemental direct testimony with good cause shown. In determining whether good cause has been shown, the Commission shall consider, among other things, the degree to which the information which is the subject of the supplemental direct testimony was not known to the utility at the time direct testimony was filed, and the degree to which facts have changed due to circumstances beyond the control of the utility.

(Source: Amended at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.170 Schedules

- a) A utility is not precluded from designing its own schedule, provided such schedule conveys the information required by the Standard Filing Requirements. All schedules submitted to the

Commission should be typed. Additional schedules should be submitted as required to support the utility's filing; such schedules should be identified by the next unassigned schedule number in the appropriate section.

b) Applicable Data

- 1) Jurisdictional data should be shown on the schedules unless total company data is expressly requested or is otherwise appropriate. A telephone telecommunications carrier utility, at its option, may provide data on a total company basis (i.e., interstate or intrastate) or on an intrastate basis only. In the event the telephone telecommunications carrier utility provides data on an intrastate basis, the determination of such data should be in accordance with current 47 CFR 36. "Standard Procedures for Separating Telephone Telecommunications Property Costs, Revenues, Expenses, Taxes and Reserves" (as of March 15, 1983 September 1, 1987) developed by NARTE-REC Cooperation-Committee-on-Communications. This incorporation does not include any later amendment or edition.

- 2) If a historical Test Year is selected, data need only be supplied for the historical year. If a Current Test Year is selected, unless otherwise specified, data must be provided for both the historical and current years. If a Future Test Year is selected, unless otherwise specified, data must be supplied for historical and current years as well as the Future Test Year. The utility may provide the data on one, two or three schedules, one for each year.

(Source: Amended at 14 Ill. Reg. 6000, effective May 1, 1990)

SUBPART B: SUPPLEMENTAL FILING REQUIREMENTS (L)

Section 285.210 Material to be Filed

a) Capital expenditures

- 1) Most recent 5-year capital expenditures budget (3-year budget for telephone, water, sewer and gas rate filings) to be identified as Schedule S-1. Telecommunications carriers are not to include facility's costs in excess of the marginal costs supporting the competitive tariff filing when such facility is utilized solely to provide competitive services. Construction projects which are entirely for the benefit of nonregulated services are also not to be included. The utility shall provide the following information for each major construction project which constitutes 5 percent of the annual construction budget of the service for which the rate relief is requested:

- A) date project started;
- B) estimated completion date;
- C) total estimated cost of construction by year exclusive and inclusive of Allowance for Funds Used During Construction (AFUDC) or interest during construction credit (IDC);
- D) most recent available total costs incurred exclusive and inclusive of AFUDC or interest during construction credit IDC.

- 2) For all other construction projects, the utility shall submit an aggregate of information requested in items subsections (C) and (D) above and show the most recently available totals by year.

b) Financial forecast

- 1) A 5-year financial forecast (including a current or future Test Year) to be identified as Schedule S-2, providing for each forecast year:
 - A) operating income statement (both with and without nonregulated service revenue);
 - B) balance sheet;
 - C) statement of changes in financial position (source and application of funds statement).

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both with and without nonregulated service effects).

- 2) The financial forecast should be supported by the underlying assumptions made in projecting the results of operations, such as:

- A) load forecasts (electric);
- B) subscriber and access line growth (telephone telecommunications carriers, excluding nonregulated services);
- C) mix of generation (electric);
- D) mix of gas supply (gas);
- E) employee growth (excluding that entirely due to nonregulated operations);
- F) known labor cost changes (excluding that entirely due to nonregulated operations);
- G) capital-structure external financing requirements (See Section 9-230 of the Act);
- H) other (please detail).

- 3) If the utility does not release financial forecasts to any outside party, it may elect to provide, in lieu of Schedule S-2, the following-in-lieu-of-Schedule-S-2: a 5-year projection of revenue requirements necessary to support the requested rate of return (to be identified as Schedule S-2.1). This projection of revenue requirements shall be in the form of an income statement and shall be supported by an explanation of the assumptions made in projecting the revenue requirements, such as:

- A) load forecasts (electric);
- B) subscriber and access line growth (telephone telecommunications carriers, excluding that due entirely to nonregulated services);
- C) mix of generation (electric);
- D) mix of fuel (gas);
- E) employee growth (excluding that due entirely to nonregulated services);
- F) known labor cost changes (excluding that due entirely to nonregulated services);
- G) capital-structure external financing requirements (See Section 9-230 of the Act);
- H) rate base (excluding effects due entirely to nonregulated operations) Telecommunications

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carriers see Schedule B-1, subsection (b); other (please detail).

- 4) The projection of revenue requirements shall be accompanied by the following balance sheet items for each forecast year (to be identified as Schedule S-2.2):

- A) gross plant in service (excluding that entirely dedicated to nonregulated operations);
- B) accumulated depreciation (excluding that entirely dedicated to nonregulated operations);
- C) construction work in progress (excluding that entirely dedicated to nonregulated operations);
- D) long-term debt (excluding that entirely dedicated to nonregulated operations);
- E) preferred stock;
- F) common equity;
- G) deferred income taxes (excluding that entirely due to nonregulated operations);
- H) unamortized deferred investment tax credits (excluding that entirely dedicated to nonregulated operations);
- I) other (please detail, excluding that entirely due to nonregulated operations).

- 5) In addition, the following elements of a statement of changes in financial position (source and application of funds) shall be provided and shall exclude that which is due entirely to nonregulated operations (to be identified as Schedule S-2.3):

- A) change in cash balances;
- B) retained earnings;
- C) depreciation accruals;
- D) external funding (long-term debt, preferred stock, common equity);
- E) deferred income taxes;
- F) unamortized deferred investment tax credit.

- 6) Three copies of the following information should be delivered to the Staff at the time of the filing:

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- A) the most recent federal regulatory agency's (Federal Energy Regulatory Commission (FERC), Federal Communications Commission (FCC)) audit report;
- B) prospectuses of most recent stock and/or bond offerings and future offerings as they become available;
- C) most recent federal regulatory agency report (FERC Form 1, Form 2, FCC Form M);
- D) annual report to shareholders and statistical supplements covering the most recent five years;
- E) most recent annual report to the Commission.

(Source: Amended at 14 Ill. Reg. 6000, effective May 1, 1990)

SUBPART C: SUPPLEMENTAL INFORMATION

Section 285.310 Information to be Made Available

The following information shall be made available to the Commission Staff upon request at the utility's headquarters at the start of the Staff investigation:

- a) current organization chart;
- b) chart of accounts;
- c) the past twelve (12) months plus the current months as they become available of the monthly managerial reports providing financial results of operations and comparison to forecast;
- d) most recently filed federal and state income tax returns;
- e) Securities and Exchange Commission (SEC) Annual Report for the most recent two years;
- f) independent auditor's annual opinion report, together with any written communication from the independent auditor to the company which indicates the existence of any material weakness in the company's internal controls;
- g) quarterly reports to stockholders for the most recent five quarters;
- h) summary of the latest depreciation study;
- i) working papers referenced on schedules in the Standard Filing Requirements, as specified in Section 285.180 hereinabove.

(Source: Amended at 14 Ill. Reg. 6000, effective May 1, 1990)

SUBPART D: PRODUCTIVITY DATA AND COMPONENT EFFICIENCY MEASURES (L)

Section 285.410 Productivity Data

For the information below, the following codes apply --(T = Telephone Telecommunications Carriers, G = Gas, E = Electric):

- a) Net Generation (E);
- b) Kwh Sales by Customer Class (E);
- c) Purchased Power - Expenditures and Kwh (E);
- d) Interchange Power Received and Delivered - Kwh and net dollar exchange (E);
- e) Cost of Capital - Weighted Average Cost of Debt, Preferred Stock, and Common Equity (T, G, E) (See Section 9-230 of the Act);
- f) Depreciation Expense (T, G, E);
- g) Plant in Service - Book Value (excluding nonregulated plant in service) (T, G, E);
- h) Total Production Plant (E, G);
- i) Net Change of Plant in Service (excluding nonregulated plant in service) (T, G, E - Generation, Transmission and Distribution);
- j) Number of Full-time and Part-time Employees (excluding those entirely in nonregulated operations) (T, G, E);
- k) Wages and Salaries (excluding those entirely in non-regulated operations) (T, G, E);
- l) Pensions and Fringe Benefits (excluding those entirely in nonregulated operations) (T, G, E);
- m) Payroll Taxes (excluding those entirely in nonregulated operations) (T, G, E);
- n) Total Labor Expenditures (= (k) + (l) + (m)) (T, G, E);
- o) Total Production Expense (excluding those expenses attributable entirely to nonregulated operations) (E, G);
- p) Steam Transfer Credits (E);
- q) Load Factor and Capacity Utilization (E);
- r) Fuel Expense (G - Purchased Natural Gas, liquefied petroleum Gas, Other; E - Fossil, Nuclear, Other);
- s) Average Fuel Cost (Per million Btu) (G - Purchased Natural Gas, liquefied petroleum Gas, Other; E - Fossil, Nuclear, Other);
- t) Fuel Usage (million Btu) (G - Purchased Natural Gas, liquefied petroleum Gas, Other; E - Fossil, Nuclear, Other);

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- u) Therm Sales by Customer Class or Rate Classification (G);
- v) Total Storage Plant (G);
- w) Total Transmission Plant (G, E);
- x) Total Distribution Plant (G, E);
- y) General Plant (excluding plant entirely devoted to nonregulated operations) (G, E);
- z) Sales Expense (T, G, E), Marketing, Product Management and Sales Expenses (excluding nonregulated expenses) (T);
- aa) Advertising Expense (T, G, E);
- bb) Telephone Plant Index (T);
- cc) (L) Operating Rents (T);
- dd) Operation and Maintenance Expenses (T, G, E); (G, E) Plant Specific Operations Expense (excluding nonregulated operations) (T);
- ee) Number of Stations Access Lines - Main, Centrex, Private Branch Exchange (PBX), Extension (T);
- ff) Traffic-Expense Plant Nonspecific Operation Expense (excluding nonregulated expenses) (T);
- gg) Materials and Supplies Expense (T, G, E) Supply expense (excluding nonregulated expenses) (T);
- hh) Local Service Revenues (excluding nonregulated revenues) (T);
- ii) Toll Revenues (excluding nonregulated revenues) (T);
- jj) Miscellaneous Revenues (excluding nonregulated revenues) (T);
- kk) Commercial-and-Marketing-Expense Customer Operations Expense (excluding nonregulated expenses) (T).

(Source: Amended at 14 Ill. Reg. 6000, effective May 1, 1990)

Section 285.420 Component Efficiency Measures

For the information listed below the codes listed in Section 285.410 apply.

- a) Customer Accounts Expense Per Customer (T, G, E)
- b) Customer Operations Expense Per Customer (T);
- c) Sales Expense Per Customer (T, G, E) Marketing, Product Management and Sales Expenses Per Customer (T);
- d) Advertising Costs Per Customer (T, G, E);
- e) Labor Productivity;

- 1) Net Generation/Number of full-time equivalent employees (Generation) (E);

- 2) Kwh Sales Sold/Number of full-time equivalent employees (E);
- 3) Therms Sold/Number of full-time equivalent employees (G);
- 4) Number of Main-Station Access Lines which are defined for this purpose as all individual business and residence lines, key trunk lines, PBX trunk lines, and Centrex main line with separate numbers/Number of full-time equivalent employees (excluding those entirely employed in nonregulated operations) (T);

- e) Total Labor Expense Per Kwh Sold (E);
- f) Total Labor Expense Per Therm Sold (G);
- g) Total Labor Expense Per Main-Station Access Line (See subsection (d)(4)) (T);
- h) Fuel Usage Per Kwh Generated (E);
- i) Purchased Gas Usage Per Therm Sold (G);
- j) Fuel Expense Per Kwh Generated (E);
- k) Fuel Expense Per Therm Sold (G);
- l) Total Operation and Maintenance Production Expense Per Kwh Generated (E);
- m) Total Operation and Maintenance Production Expense Per Therm Sold (G);
- n) Administrative and General Expense Per Customer (T, G, E) Corporate Operations Expenses (T);
- o) Total Operation and Maintenance Transmission Expense Per Kwh Sold (E);
- p) Total Operation and Maintenance Transmission Expense Per Therm Sold (G);
- q) Total Operation and Maintenance Distribution Expense Per Kwh Sold (E);
- r) Total Operation and Maintenance Distribution Expense Per Therm Sold (G);
- s) Total Pole Lines (Circuit Miles) Per Kwh Sold (E);
- t) Total Tower Lines (Circuit Miles) Per Kwh Sold (E);
- u) Revenue Per Kwh Sold (E);
- v) Revenue Per Therm Sold (G);
- w) Revenue Per Station-(Main-Centrex, Access Lines and-PBX and-Extension) (T);
- x) Earned Salaries and Wages (excluding those entirely employed in nonregulated operations) Per Main-Station Access Line (See subsection (d)(4)) (T);
- y) Total Operating-Expenses Plant Nonspecific Operations Expense (excluding nonregulated operating expense) Per Main-Station Access Line (See subsection (d)(4)) (T);

- z) Traffic-Expense Customer Operations Expense (excluding nonregulated operating expense) Per Main-Station Access Line (See subsection (d)(4)) (T);
- aa) Commercial-and-Marketing-Expense Plant Nonspecific Operations Expense (excluding nonregulated operating expense) Per Main-Station Access Line (See subsection (d)(4)) (T);
- bb) Equivalent Availability by Unit (E);
- cc) Capacity Factor by Unit (E).

(Source: Amended at 14 Ill. Reg. 6000 , effective May 1, 1990)

SUBPART F: REVENUE AND FINANCIAL SUMMARIES

Section 285.1000 Revenue and Financial Summaries

Subpart F includes 3 schedules. Schedules A-1 and A-2 are to summarize the revenue by rate classification or revenue classification. Information to be reported is taken from the Subpart J schedules or the books and records of the utility. Schedule A-3 reports the calculated increase in revenue requirements for the Test Year for jurisdictional revenues.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.1005 Schedule A-1 Comparison of Present and Proposed Rates Jurisdictional Pro Forma (Non-Telecommunications Carriers)

Schedule A-1 is to be used by non-telecommunications carriers. Data shall be provided by effective rate classification and shall show for the Test Year only the average number of customers, number of units sold, revenue at present rates, revenue at proposed rates, difference in revenue and percent change. If the Test Year is other than the historical year, then the schedule shall also show the average number of customers, units sold and revenue for the historical year.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.1010 Schedule A-2 Comparison of Present and Proposed Rates (Telecommunications Carriers)

Schedule A-2 is to be used by telecommunications carriers. Data to be reported cover:

- a) each accounting revenue classification segregated as to competitive and noncompetitive services (excluding nonregulated service revenues); and
- b) historical revenues, revenue at present and proposed rates, difference in revenues in dollars and percentage charge for Test Year segregated as to competitive, which services may be aggregated, and noncompetitive services (excluding nonregulated service revenues).

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.1015 Schedule A-3 Overall Financial Summary

- a) Schedule A-3 includes for the Test Year the elements of rate base and reports the increase in revenue requirements requested by the utility.

- b) Data to be reported cover:

- 1) fair value rate base (optional);
- 2) original cost rate base;
- 3) current value;
- 4) operating income;
- 5) earned or projected rate of return for fair value, when fair value rate base presentation is used, and original cost rate base;
- 6) cost of capital;
- 7) proposed operating income;
- 8) income deficiency;
- 9) gross revenue conversion factor (before add-on charges for revenue taxes);
- 10) revenue increase requested;
- 11) revenue increase including add-on revenue taxes.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

SUBPART G: RATE BASE

Section 285.2000 Rate Base Instructions

- a) Property classification. The schedules included in Subpart G are designed to be applicable to more than one type of utility. All utilities, as applicable, must comply with the Uniform System of Accounts approved by the Commission as 83 Ill. Adm. Code 505.415 - 605, 650, and 710.

- b) Jurisdictional allocation. Except for telecommunications carriers, a utility need not make any non-jurisdictional allocations where total utility non-jurisdictional revenues for which rate relief is requested for the type of service are equal to, or less than, 5% of total company utility revenues.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2005 Schedule B-1 Jurisdictional Rate Base Summary

- a) Summary rate base information shall be presented in Schedule B-1. The information requested on Schedule B-1 is supported by the schedules which follow, i.e., B-2; Depreciation Reserve is supported by Schedule B-3; Construction Work in Progress is supported by Schedule B-4; Allowance for Working Capital is supported by Schedule B-5. Jurisdictional Allocation Factors are supported by Schedule B-6, and Historical Rate Base data is supported by Schedule B-7. Fair Value (optional) is supported by Schedules B-8 to B-8.4.

- b) Data to be covered includes:

- 1) Gross utility plant in service at original cost (see Section 285.210 (a) (1)).
- 2) Reserve for accumulated depreciation;
- 3) Net utility plant in service (1) - (2); (Please note that in this Part, the numbers in these equations refer to the items corresponding to those numbers in the list of data to be covered in the schedule in which they appear.)
- 4) Working capital allowance;
- 5) Construction work in progress included in rate base;
- 6) Contribution in aid of construction;
- 7) Other items (specify), customer advances, advanced billings, deferred income tax;
- 8) Jurisdictional rate base (original cost) (3+4+5-6-7);
- 9) Adjustment for fair value (optional) at original cost (in dollars), and weight (in percentage);
- 10) Fair value rate base (optional).

- c)

Other items shall be supported by schedules of the company's own design (schedules shall contain a description of items, dollars involved by account, and reasons for additions or deletions to the rate base).

- d)

For telecommunications carriers only, each existing and proposed competitive service for the test-year shall be supported by an estimate of long run marginal cost in detail sufficient to observe any potential subsidy of competitive service by noncompetitive service. The subsidy is said to exist if the proposed test year revenue requirement includes any amount by which the long run marginal costs for all competitive services in total exceeds the revenues designed to be collected from all competitive services together. Assumptions of usage levels and usage type that justify the estimate of long run marginal cost of each and all competitive service shall reflect a full reconciliation of all portions of commonly shared assets between competitive and noncompetitive service, such that the used and useful portion of assets for noncompetitive service can be determined. A long run marginal cost study (defined in 83 Ill. Adm. Code 745.200) is to be submitted to support competitive services provided on a regulated basis except:

- 1) competitive services for which a long run marginal cost study had been submitted to the Commission within six months of the current filing, or
- 2) competitive services for which the supporting marginal cost study projected marginal costs over a time period which encompasses the current filing and, based on a review of the assumptions underlying the study, the telecommunications carrier states that there have been no changes in these assumptions sufficient to cause the costs to increase by more than 10% or to cause the cost to exceed the revenues designed to be collected from such services. Facilities used to provide nonregulated services are to be excluded in the formulation of regulated revenue requirements in accordance with 83 Ill. Adm. Code 711 or 712 as may be applicable.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2010 Schedule B-2 Plant in Service by Major Property Grouping or Major Account (Original Cost)

a) Provide in Schedule B-2 a breakdown of the dollars of plant in service by each major property grouping, functional class or account number. Telecommunications carriers see subsection (b) under Schedule B-1.

b) Data to be covered include:

- 1) Line number;
- 2) Account number (if applicable);
- 3) Account description or property grouping (whichever is applicable);
- 4) Total company;
- 5) Less: nonregulated facilities
- 6) Less: competitive service facilities (Telecommunications carriers, see subsection (b) and (c) under Schedule B-1.)
- 7) Allocated percentage;
- 8) Allocated total;
- 9) Adjustment amount;
- 10) Adjusted jurisdictional amount.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2015 Schedule B-2.1 Proposed Adjustments to Plant in Service (Original Cost)

a) For the Test Year, provide each adjustment made to Plant in Service on Schedule B-2 and fully explain in Schedule B-2.1. Telecommunications carriers see subsection (b) under Schedule B-1.

b) Data to be covered include:

- 1) Line number;
- 2) Account number (if applicable);
- 3) Account or major property group description;
- 4) Amount by total company;
- 5) Adjustment;
- 6) Description and purpose of adjustment.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2020 Schedule B-2.2 Gross Additions, Retirements and Transfers (Original Cost)

For the Test Year, provide for each major functional plant property group or account, the plant beginning and ending balances, gross additions, retirements and transfers for the company occurring in the Test Year. If, in a particular account, transfers are a normal course of events, only a general description (under the column "Explanation of Transfer") of the nature of the transfers is required. Telecommunications carriers see subsection (b) under Schedule B-1.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2025 Schedule B-2.3 Property Merged or Acquired from Other Utilities

a) Provide a list of all plant property over \$100,000 either merged or acquired from other utilities in the last 3 years. Explain how the property was entered into plant property records (e.g., entered as original cost, purchase price in year of purchase, original cost less accrued book depreciation in year of purchase, etc.). Also describe the accounting treatment of any acquisition adjustments. Telecommunications carriers see subsection (b) under Schedule B-1.

b) Data to be covered include:

- 1) Line number;
- 2) Account number, group or function;
- 3) Description of property;
- 4) Acquisition cost;
- 5) Cost basis;
- 6) Acquisition adjustment;
- 7) Commission approval date (Docket number);
- 8) Date of acquisition;
- 9) Explanation of property accounting treatment.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2030 Schedule B-2.4 Leased Property Included in Rate Base

a) Provide a list of all properties leased to the utility, as lessee, and improvements to leased properties, together with annual lease payments. Data

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covered include all properties leased with lease payments over \$100,000 which are capitalized. Telecommunications carriers see subsection (b) under Schedule B-1.

b) Data to be covered include:

- 1) Identification or reference number;
- 2) Description of type and use of property;
- 3) Name of lessor;
- 4) Frequency of payments;
- 5) Amount of lease payment;
- 6) Dollar value (or estimate) of property involved.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2035 Schedule B-2.5 Property Held for Future Use Included in Rate Base

- a) Prepare a list of all property held for future use included in rate base. Plant held for future use shall not be included in any plant in service amounts on Schedules B-1, B-2, and B-2.1. Telecommunications carriers see subsection (b) under Schedule B-1.

b) Data to be covered include:

- 1) Line number;
- 2) Description and location of property;
- 3) Date of acquisition;
- 4) Original cost;
- 5) Accumulated depreciation;
- 6) Net original cost ((4) - (5)).

c) For Revenue realized, include:

- 1) Amount;
- 2) Account number;
- 3) Description.

d) For Expenses incurred, include:

- 1) Amount;
- 2) Account number;
- 3) Description.

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- e) Also include expected in-service date and expected use of property. Only amounts exceeding \$100,000 need be separately listed. For items under \$100,000, aggregate in one line.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2040 Schedule B-2.6 Property Excluded from Rate Base

- a) For the service or area where rate relief is requested, provide a list of all utility-owned property associated with the service or area excluded from the rate base for reasons other than jurisdictional allocation. Telecommunications carriers see subsection (b) under Section B-1.

b) Data to be covered include:

- 1) Line number;
- 2) Account number, group or function;
- 3) Description of property;
- 4) Acquisition cost;
- 5) Original cost;
- 6) Accumulated depreciation;
- 7) Depreciated original cost;
- 8) Reasons for exclusion.

- c) Only items over \$100,000 need be separately listed. Items under \$100,000 may be aggregated in one line item. Construction Work in Progress should not be shown on this schedule.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2045 Schedule B-3 Depreciation Reserve

- a) List depreciation reserve by major property grouping, functional class or account numbers. If depreciation reserves are not kept by major property groupings but are kept in total, only the totals should be given. In the case of water and/or sewer companies, only totals in Schedule B-3 are required. Telecommunications carriers see subsection (b) under Schedule B-1.

b) Data to be covered include:

- 1) Line number;

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- 2) Functional class, major property group or account number:
3) Total company:
4) Allocated percentage:
5) Allocated total:
6) Adjustment amount:
7) Adjusted jurisdictional amount.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)
Section 285.2050 Schedule B-3.1 Proposed Adjustments to Depreciation Reserve

- a) For the Test Year, provide the information indicated in Schedule B-3.1 for all proposed adjustments to depreciation reserve made in Schedule B-3. Telecommunications carriers see subsection (b) under Schedule B-1.

- b) Data to be covered include:

- 1) Line number:
2) Adjustment title:
3) Total company amount and allocated amount:
4) Description and purposes of adjustment.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)
Section 285.2055 Schedule B-3.2 Depreciation Accrual Rates by Accounts, Functional Class or Major Property Group

- a) For the Test Year, the utility shall use whatever rate base data are selected. For accrual rates, whatever rate was or will be used in the annual report shall be used in this schedule. Telecommunications carriers see subsection (b) under Schedule B-1.

- b) Data to be covered include:

- 1) Line number:
2) Account number (if applicable):
3) Account description:
4) Plant investment in jurisdiction:
5) Current accrual rate in percentage:
6) Calculated depreciation expense:
7) Percentage net salvage:
8) Average service life:

- 2) Curve form.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)
Section 285.2060 Schedule B-4 Construction Work in Progress

- a) Construction Work in Progress ("CWIP") shall be consistent with the definition given in the Uniform System of Accounts. Identify any construction projects which exceed 5% of the total CWIP balance for the test year. Construction entirely devoted to nonregulated operations is not to be included. See Section 9-214 of the Act.

- b) Data to be covered include:

- 1) Line number:
2) Project number:
3) Description of project:
4) Direct costs (construction dollars):
5) Indirect costs: AFUDC capitalized:
6) Indirect costs: other:
7) Total cost:
8) Allocation percentage:
9) Total jurisdictional cost:
10) Estimated percent completion.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)
Section 285.2065 Schedule B-4.1 (L) Construction Work in Progress Percent Complete

- a) Provide a list of construction projects in progress which are included in Schedule B-4. See Section 9-214 of the Act.

- b) Data to be covered include:

- 1) Line number:
2) Project number:
3) Description of project:
4) Date project started:
5) Most recent estimated project completion date:
6) Original budget estimate:
7) Most recent revised estimate:
8) Accumulated construction costs:
9) Percent complete ((8) ÷ (7) x 100).

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(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2070 Schedule B-5 Allowance for Working Capital

Provide a summary schedule showing the calculation of working capital for the period reported. Show each individual component (cash, materials and supplies, etc.) and describe the methodology used to calculate each component. If working capital calculation is not applicable, omit Schedule B-5. Working capital requirements for entirely nonregulated services and operations are not to be included.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2075 Schedule B-5.1 Balance Sheet Analysis

Determine the average (thirteen months) balance for materials and supplies, gas stored underground, fuels, and accrued real estate taxes. Allocate the average balances to the jurisdiction using appropriate allocation factors. Material and supplies which are solely to be used for nonregulated services and operations are not to be included in the calculation of inventory for material and supplies.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2080 Schedule B-6 Jurisdictional Allocation Factors

- a) For the Test Year, identify by rate base account or component, the factor(s) used in allocating total utility property to the jurisdiction. The allocation factors used shall be based on the statistical measures shown in Schedule B-6.1. For example, if it were determined that the account "Structures and Improvements" should be allocated to the jurisdiction based on the ratio of jurisdictional sales to total sales, the appropriate jurisdictional sales allocation factor would be developed in Schedule B-6.1 and applied to the Structure and Improvements accounts on Schedule B-6.

- b) Data to be covered include:

- 1) Line number;
- 2) Account number;
- 3) Account description;
- 4) Allocation factor;

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- 5) Description of factor and/or method of allocation.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2085 Schedule B-6.1 Jurisdictional Allocation Statistics - Rate Base

- a) Provide for the Test Year the data used in determining the jurisdictional percentages for each allocation factor to be used on Schedule B-6.

- b) Data to be covered include:

- 1) Line number;
- 2) Allocation factor;
- 3) Statistic total company;
- 4) Adjusted statistic for total company $((3) + (4))$;
- 5) Adjusted statistic for service or area;
- 6) Allocation factor $((6) \div (5))$;
- 7) Allocation factor $((6) \div (5))$.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2090 Schedule B-6.2 Explanation of Changes in Allocation Procedures - Rate Base

This schedule shall be completed only if the allocation procedures described in the prior schedules are not consistent with the last Commission order for the company. For each account or component with a change, identify the allocation factor used in the prior order and the rationale for not using that factor in this application.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2095 Schedule B-7 Comparative Balance Sheet for Most Recent Five Fiscal or Calendar Years

Provide for the total company summary balance sheet (net plant classified by major property grouping, if applicable) for the most recent five fiscal or calendar years and the Test Year.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

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If a utility elects to submit only an original cost rate base, Schedules B-8, B-8.1, B-8.2, B-8.3 and B-8.4 need not be completed and waiver from the Commission on these schedules is not required. Data to be submitted need cover only the Test Year.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2105 Schedule B-8 Jurisdictional Current Value Rate Base Summary

- a) Summary current value rate base information shall be presented in Schedule B-8. The information requested on Schedule B-8 is supported by the schedules which follow, i.e., Current Value Plant in Service information is supported by Schedules B-8.1 and B-8.2; Reserve for Accumulated Depreciation is supported by Schedules B-8.3 and B-8.4. Other items shall be supported by schedules of the utility's own design (schedules shall contain a description of items, dollars involved by account, and reason for additions or deletions to the current value rate base).

- b) Data to be covered include:

- 1) Line number;
- 2) Gross utility plant in service current value;
- 3) Less reserve for accumulated depreciation;
- 4) Net current value of utility plant in service ((2) - (3)).

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2110 Schedule B-8.1 Current Value Plant in Service by Major Property Grouping or Major Account

- a) Provide in Schedule B-8.1 a breakdown of the dollars of current value plant in service by each functional class, account number or major property grouping.

- b) Data to be covered include:

- 1) Line number;
- 2) Account number (if applicable);

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- 3) Account description or property grouping (whichever is applicable):

- 4) Total utility;
- 5) Allocated percentage;
- 6) Allocated total;
- 7) Adjustment amount;
- 8) Adjusted jurisdictional amount.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2115 Schedule B-8.2 Proposed Adjustments to Current Value Plant in Service

- a) Each adjustment made to current value plant in service on Schedule B-8.1 shall be explained in Schedule B-8.2.

- b) Data to be covered include:

- 1) Line number;
- 2) Account number (if applicable);
- 3) Account description or property grouping;
- 4) Amount by total utility;
- 5) Adjustment;
- 6) Description and purpose of adjustment.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2120 Schedule B-8.3 Current Value Depreciation Reserve

- a) List Test Year current value depreciation reserve by group, functional class or account numbers. Describe the method used to determine the appropriate depreciation reserve for each account.

- b) Data to be covered include:

- 1) Line number;
- 2) Account number, group or function;
- 3) Total company;
- 4) Allocated percent;
- 5) Allocated total;
- 6) Adjustment amount;
- 7) Adjusted jurisdiction;
- 8) Method.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.2125 Schedule B-8.4 (L) Adjustments to Current Value Depreciation Reserve

a) For all adjustments to current value depreciation reserve made in Schedule B-8.3, provide the information indicated in Schedule B-8.4.

b) Data to be covered include:

- 1) Line number;
- 2) Adjustment title;
- 3) Total company amount and allocated amount;
- 4) Description and purposes of adjustment.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

SUBPART H: OPERATING INCOME

Section 285.3000 Operating Income Instructions

a) Account classifications. The schedules included in Subpart H do not prescribe specific account classifications in order that the schedules may be applicable to more than one type of utility. Nonregulated income is not to be included in schedules.

b) Jurisdictional allocation. Except for telecommunications carriers, a utility need not make any non-jurisdictional allocations where total utility non-jurisdictional revenues for which rate relief is requested for the type of service are equal to, or less than, 5% of total company utility revenues.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3005 Schedule C-1 Jurisdictional Operating Income Summary

a) For the Test Year, provide the jurisdictional operating income statement by major category (sources of income by grouping of types of service) for the jurisdiction for which a rate increase is requested, both at the present rates and at the proposed rates.

b) Data to be covered include:

- 1) Line number;
- 2) Description (operating revenue, operating expenses, operation & maintenance, depreciation, taxes, federal income taxes, state income taxes, total operating expenses, income available from jurisdictional operations, rate base, rate of return);
- 3) Present rates;
- 4) Test Year proposed increase;
- 5) Test Year proposed rates;
- 6) Historical year at present and proposed rates.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3010 Schedule C-2 Detailed Jurisdictional Operating Income Statement

a) Provide a detailed operating income statement by major account function (see uniform system of accounts for the utility) or group classification.

b) Data to be covered include:

- 1) Line number;
- 2) Major account function or group classification (excluding the effects of nonregulated operations);
- 3) Description;
- 4) Total company;
- 5) Jurisdictional before adjustment;
- 6) Composite allocation percentage;
- 7) Adjustment;
- 8) Jurisdictional amount adjusted.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3015 Schedule C-3 Summary of Utility Proposed Adjustments

Summarize each adjustment to total operating income in Schedule C-3, showing for each adjustment the impact upon the elements of operating income. Each adjustment shall be referenced by title of adjustment to the appropriate supporting schedules.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3020 Schedules C-3.1, 2, 3, etc. Detailed Adjustments

Provide for each proposed adjustment included on Schedule C-3 a separate schedule showing:

- a) The title of adjustment and reference to operating income, Schedule C-2;
- b) Purpose and description of the adjustment;
- c) Reference to company supporting work paper;
- d) Summary calculations supporting the adjustment, by jurisdictional amount.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3025 Schedule C-4 Reconciliation of Filed Operating Income and Expense

- a) Provide a detailed reconciliation of the effect of inflation between the General Ledger or the Base Forecast Operating Income and Expense Statement included in direct testimony and the Operating Income and Expense Statement included in the filing made pursuant to this Part. Provide a detailed reconciliation of the effect of inflation between the Operating Income and Expense Statement included in direct testimony and the Operating Income and Expense Statement included in any updated filings.

- b) Data to be covered include:

- 1) Line number;
- 2) Major account function listed in the Operating Income and Expense Statement used in the original filing;
- 3) Description;
- 4) Filed operating income and expense amounts;
- 5) Adjustment for inflation identifying each inflation factor and the amount to which it was applied;
- 6) Utility proposed adjustments from Schedule C-3;
- 7) General ledger or base forecast (line (4) less lines (5) and (6)).

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3030 Schedule C-5 Summary of Jurisdictional Allocational Factors

For the Test Year, identify by operating income element the factor(s) used in allocating total utility operating revenues, expenses and income by account, function or group classification to the jurisdiction on Schedule C-5.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3035 Schedule C-5.1 Allocation Statistics

- a) Provide for each allocation factor the statistics used in determining the jurisdictional percentages.

- b) Data to be covered include:

- 1) Line number;
- 2) Allocation factors;
- 3) Statistic for total company;
- 4) Adjustment to total company statistic;
- 5) Adjusted statistic for total company;
- 6) Statistic for rate area;
- 7) Allocation factor.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3040 Schedule C-5.2 Explanation of Changes in Allocation Procedures

This schedule shall be completed only if the allocation procedures described in Schedule C-5.1 are not consistent with the last Commission order for the company. For each account, function or group classification with a change, identify the allocation factor used in the prior order and rationale for not using that factor in this application.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3045 Account Analyses

For Current Test Years and Future Test Years, general categories may be listed and amounts aggregated if of a similar nature, but the aggregation must still retain reference to the composition of the aggregation.

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(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3050 Schedule C-6 Income Tax

For the Test Year, provide a calculation of federal and state income tax expense, including a reconciliation of book to taxable income pursuant to the Commission's annual report forms for electric and gas utilities and telecommunications carriers which file Form 23 or Form 23A (Annual Report forms). If the taxes included in Test Year operating income were not calculated in a manner consistent with Schedule C-6, provide an additional schedule showing the methodology used.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3055 Schedule C-6.1 Investment Tax and Job Development Credits

For the Test Year, provide in Schedule C-6.1 a schedule of additions to and amortization of unamortized investment tax credits and job development credits.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3060 Schedule C-7 Social and Service Club Membership Dues

a) Provide on Schedule C-7 a listing of the payee, the amount, the description, and the accounts charged for social and service club membership dues.

b) Items under \$1,000 each may be provided in total.

c) Non-claimed expenses may be listed in the aggregate.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3061 Schedule C-8 Charitable Contributions

a) Provide on Schedule C-8 a listing of the payee, the amount, the description, and the account(s) charged for charitable contributions.

b) Items under \$1,000 each may be provided in total.

c) Non-claimed expenses may be listed in the aggregate.

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(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3065 Schedule C-9 Demonstration and Selling, Advertising, and Miscellaneous Sales Expenses

Provide on Schedule C-9, in accordance with the Uniform System of Accounts for each telecommunications carrier with appropriate functions, the total amount, description, and accounts. For electric and gas utilities, provide information according to 83 Ill. Adm. Code 295 and Section 9-225 of the Act.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3070 Schedule C-10 Civil, Political and Related Activities

List all expenditures made for political activity or lobbying regulated by the Lobbyist Registration Act (Ill. Rev. Stat. 1987, ch. 63, pars. 171 et seq.). See Section 9-224 of the Act.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3075 Schedule C-11 Rate Case Expense

Provide on Schedule C-11 an analysis of rate case expenses and rate case amortization for the Test Year. The prior rate case used for comparison purposes shall be the most recent case. Any changes may be footnoted by the utility at its option.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3080 Schedule C-12 Payroll Costs

Provide on Schedule C-12 the distribution for the total utility of the Test Year direct payroll costs by account classification, major property grouping, and functional classification.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3085 Schedule C-12.1 Executive Compensation

a) Provide executive compensation on Schedule C-12.1

b) Information to be included:

1) Total remuneration paid and accrued for the five highest paid officers whose total remuneration

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exceeds \$50,000 annually, and

- 2) Amount of remuneration paid to all officers as a gross amount stating the number of officers whose remuneration is included in that amount.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3090 Schedule C-13 Summary of Affiliated Interest Transactions

- a) List all affiliated interest transactions for historic and current test years. Also provide any known contracts for future years.

- b) The following information shall be disclosed:

- 1) Date of transaction or transaction period;
- 2) Company or individual;
- 3) Nature of transaction(s);
- 4) Dollar amount of transaction(s);
- 5) Commission Docket number of approval, if applicable.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3095 Schedule C-14 Computation of Gross Revenue Conversion Factor

Provide a detailed calculation of the gross revenue conversion factor used in Schedule A-3. Calculation shall be based on actual applicable tax rates.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3100 Schedule C-15 Comparative Income Statements for the Most Recent Five Fiscal or Calendar Years

- a) Provide comparative income statements for the most recent 5 fiscal or calendar years in Schedule C-15.

- b) Data to be covered include:

- 1) Line number;
- 2) Description;
- 3) Income for the most recent five fiscal or calendar years.

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(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)
Section 385.3110 Schedule C-16.1 (L) Sales Statistics - Total Company Revenue (Electric and Gas)

- a) Provide total company revenues on Schedule C-16.1.
- b) Information provided shall be for the most recent 5 historical and 3 projected fiscal or calendar years.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)
Section 285.3115 Schedule C-16.2 (L) Sales Statistics - Total Company Sales Volume (Electric and Gas)

- a) Provide the total company sales volume on Schedule C-16.2.
 - b) Information provided shall be for the most recent 5 historical and 3 projected fiscal or calendar years.
- (Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3120 Schedule C-16.3 (L) Sales Statistics - Jurisdictional Revenue (Electric and Gas)

- a) Provide the revenues derived from sales subject to the jurisdiction of the Commission on Schedule C-16.3.
- b) Information provided shall be for the most recent 5 historical and 3 projected fiscal or calendar years.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3125 Schedule C-16.4 (L) Sales Statistics - Jurisdictional Sales Volume (Electric and Gas)

- a) Provide the volume of sales subject to the jurisdiction of the Commission on Schedule C-16.4.

- b) Information provided shall be for the most recent 5 historical and 3 projected fiscal or calendar years.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.3130 Schedule C-17 Long-Run Marginal Cost Study(ies)
(Telecommunications)

Telecommunication carriers shall provide the total test year competitive service(s) revenues and the total test year long run marginal costs associated with the competitive service(s).

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

SUBPART I: RATE OF RETURN

Section 285.4000 Schedule D-1 Cost of Capital Summary

The company shall provide a weighted average cost of capital summary which shall include on a total company and jurisdictional basis a calculation of the weighted average cost of capital. The company may show any class of capital which is appropriate. For all classes shown, however, the amount, percentage of total, percentage cost, and weighted cost shall be provided. If the cost of capital shown on Schedule D-1 is not the same as that shown on Schedule A-3, line 6, provide an explanation of the difference. See Section 9-230 of the Act. Telecommunications carriers shall apply an over-all rate of return to the rate base which includes competitive and noncompetitive services. See subsection (d) under Schedule B-1.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.4001 Terms Used in Subpart I

"After-tax fixed charge coverage" - (Income available for fixed charges) divided by (interest charges plus preferred dividends).

"Book value per share" - Year-end common stock equity divided by number of common shares outstanding at year end.

"Indenture provision coverage" - Company shall provide this definition and also the minimum coverage required; if other restrictions are contained in indenture. (e.g., capitalization ratio test) list on separate page.

"Mix of fuels" - By percentage of fuels, list major categories of fuels. (oil, gas, coal, nuclear, and propane).

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"Mix of sales" - By percentage of sales, list major classes of customers.

"Percentage of construction financed internally" - (Net income less preferred dividends and common dividends plus depreciation plus deferred taxes and investment tax credits (net) less AFUDC, IDC) divided by (gross construction expenditures less AFUDC, IDC, reused material and leases).

"Pre-tax interest coverage" - (Income available for interest charges plus federal income tax expense) divided by (interest charges).

"Return on average common stock equity" - (Earnings available for common shares) divided by (average common stock equity).

"Return on average total capital" - (Income available for fixed charges) divided by (average total capitalization including short-term debt).

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.4005 Schedule D-2 Cost of Short-Term Debt

a) The cost of any short-term debt is to be provided on Schedule D-2.

b) Data to be covered include:

- 1) Line number;
- 2) Lenders;
- 3) Amount outstanding;
- 4) Interest rate;
- 5) Interest requirement;
- 6) Cost of short-term debt;
- 7) Item (5) divided by (3), only if the utility proposes to include short-term debt in its capital structure.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.4010 Schedule D-3 Embedded Cost of Long-Term Debt, including Notes

a) The embedded cost of any long-term debt, including any notes, is to be provided on Schedule D-3.

b) Data to be covered include:

- 1) Line number;
- 2) Debt issue type, coupon rate;
- 3) Date issued (month, day, year);
- 4) Maturity date (month, day, year);
- 5) Principal amount;
- 6) Face amount outstanding;
- 7) Unamortized discount or premium;
- 8) Unamortized debt expense;
- 9) Carrying value;
- 10) Annual amortization of discount or premium;
- 11) Annual interest expense;
- 12) Embedded cost of long-term debt.

(Source: Added at 14 Ill. Reg. 6000, effective May 1, 1990)

Section 285.4015 Schedule D-4 Embedded Cost of Preferred Stock

- a) The embedded cost of any preferred stock is to be provided on Schedule D-4.
- b) Data to be covered include:

- 1) Line number;
- 2) Dividend rate, type, par value;
- 3) Date issued;
- 4) Dollar amounts outstanding on par value;
- 5) Premium or discount;
- 6) Issue expense (dollar amount);
- 7) Net proceeds;
- 8) Annual dividends (dollar amount);
- 9) Embedded cost of preferred stock.

(Source: Added at 14 Ill. Reg. 6000, effective May 1, 1990)

Section 285.4020 Schedule D-5 Comparative Financial Data

- a) Provide a comparison of financial data for the Test Year and the ten most recent calendar or fiscal years

as illustrated in Schedule D-5, on a total company and jurisdictional basis.

- b) Data to be covered include:

1) Plant Data:

- A) Original plant in service by functional classification (year end) (less depreciation);
- B) Current value (less depreciation);
- C) Construction work in progress by functional classification with AFUDC, IDC separately listed (year end);
- D) Percentage of construction financed internally.

2) Capital Structure: (Percent based upon year end accounts)

- A) Short-term debt;
- B) Long-term debt;
- C) Preferred stock;
- D) Common stock;
- E) Investment Tax Credits.

3) Condensed Income Statement Data:

- A) Operating revenues;
- B) Operating expenses (excluding Federal income tax);
- C) Federal income tax (current);
- D) Federal income tax and investment tax credits (deferred) (net);
- E) Operating income;
- F) AFUDC, IDC (See Section 9-214 of the Act);
- G) Other income (net);
- H) Interest charges;
- I) Net income;
- J) Preferred dividends;
- K) Earnings available for common equity;
- L) AFUDC, IDC - % of net income;
- M) AFUDC, IDC - \$ of earnings available for common equity;

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- N) Return on net original cost rate base (year end) (if combination company, e.g., gas and electric, also show computation for each operation);
- O) Return on net fair value rate base (year end), if available (if combination company, e.g., gas and electric, also show computation for each operation).

4) Costs of Capital:

- A) Cost of short-term debt;
- B) Embedded cost of long-term debt;
- C) Embedded cost of preferred stock.

5) Fixed Charge Coverage:

- A) Pre-tax interest coverage;
- B) Pre-tax interest coverage (excluding AFUDC, IDC);
- C) After-tax interest coverage;
- D) After-tax interest coverage (excluding AFUDC, IDC);
- E) Coverage for SEC filings;
- F) Indenture provision coverage;
- G) After-tax fixed charge coverage. (If combination company, e.g. gas and electric, also show computation for each operation for subsections (A) through (G) above.)

6) Stock and Bond Ratings:

- A) Moody's bond rating;
- B) Standard and Poor's (S&P) bond rating;
- C) Moody's preferred stock rating;
- D) S&P preferred stock rating.

7) Common Stock Related Data:

- A) Shares outstanding (year end);
- B) Shares outstanding - weighted average (monthly);
- C) Earnings per share - weighted average;
- D) Dividends paid per share;
- E) Dividends declared per share;
- F) Dividend payout ratio (declared basis);
- G) Book value per share (year end).

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- A) Mix of sales (gas and electric);
- B) Mix of fuel (gas and electric);
- C) Composite depreciation rates by plant category.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.4025 Schedule D-6 Statement of Cash Flows

Provide information as normally provided by the company concerning the statement of cash flows in Schedule D-6.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

SUBPART J: RATES AND TARIFFSSection 285.5000 Schedule E-1 Copy of Proposed Tariff Schedules

Provide one copy of all current tariff schedules for which changes are proposed. Identify each page with "Schedule E-1, page of " in the upper right hand corner.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.5005 Schedule E-2 Scored Copy of Proposed Tariff Schedules

Provide one copy of all proposed tariff schedules which have all proposed changes underscored. Use an appropriate method for identification of changes, such as designating the deletion of words, phrases, sentences and paragraphs from current tariff schedules with an asterisk (*) at the location of the deletion. Designate in the margin the type of proposed change or deletion by using the following designations:

- a) (C) - to signify changed regulations;
- b) (I) - to signify increased rates;
- c) (N) - to signify new rate or regulation;
- d) (R) - to signify reduced rate;
- e) (T) - to signify a change in text, but no change in rate or regulation.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

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Section 285.5010 Schedule E-3 Narrative Rationale for Tariff Changes

Provide the rationale, on Schedule E-3, underlying the proposed changes to the tariff. Changes common to multiple rate forms need be discussed only once (e.g., minimum bill charges have been increased about 10% on all rates because). Provide a specific source of data or narrative supporting each rationale for change. The source of data need not be submitted with the filing but must be available to the Staff. If explanation is part of testimony, then it need not be duplicated in the schedules. Reference the appropriate current or proposed rate schedules to which the rationale is applicable. Use the proper schedule and page number.

(Source: Added at 14 Ill. Reg.6000 , effective May 1, 1990)

Section 285.5015 Schedule E-4 Jurisdictional Operating Revenue

- a) The Revenue Summary portion of the Rates and Tariffs Standard Filing Requirements (Schedule E-4) varies by the type of utility and Test Year chosen by the utility. Three E-4 Schedules are included.
- b) One set is applicable to the electric and gas utilities, one set to the water and sewer utilities, and one set to telecommunication carriers.
- c) Schedule E-4 concerns only jurisdictional revenue.
- d) Schedule E-4 consists of three parts: Historical, Current, and Future.
- 1) The Historical section (Section A) reports revenue for the selected historical year as shown by the books and records of the utility, pro forma at present rates and pro forma at proposed rates. Present rates are those rates in effect on the date of filing the proposed rates.
- 2) The Current section (Section B) reports calculated revenue for present rates and proposed rates on pro forma sales. Pro forma sales are sales estimated to occur. Current year sales are annualized for changes that occurred during the historic year or are expected to occur in the current year.

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- 3) The Future section (Section C) reports projected revenue for current rates and proposed rates on the projected annual sales for the Future Test Year. Only utilities selecting a Future Test Year need to complete Section C.

- e) Schedule E-4. Electric and Gas Utilities

- 1) "Revenue" is to be reported by rate classifications which make up the total revenue for each designated rate in combination with its accompanying rider(s) to the rate, if any.
- 2) All rate schedules are to be reported, whether changed or not, so that total revenue from the tariff schedule will be reported. Components consist of:
 - A) basic rate charges.
 - B) purchased gas adjustment charges or fuel adjustment charges.
 - C) add-on tax charges to recover governmental tax assessments on gross revenue, except municipal tax (unless it applies uniformly to the whole service area), and any other add-on charges not covered otherwise, all as in effect at the date of filing.
 - 3) Do not include "forfeited discounts."
 - 4) Municipal tax should be included in "Other" unless it applies to the utility's total service area. A footnote should indicate where the municipal tax revenue is reported.
 - 5) "Average Number of Customers" is the total number of bills in the Test Year divided by the number of billing periods.
- f) Schedule E-4. Water and Sewer Utilities
Water and sewer utilities shall follow the instructions set forth in subsection (e) to the extent that the instructions are appropriate.

g) Schedule E-4. Telecommunications Carriers

- 1) Rate elements proposed to be changed. Schedule E-4 for telecommunications carriers provides for the reporting of revenue and sales data by category and on a per rate element within the category. Provide the tariff sheet number reference for each rate element that is being changed by the proposed rate filing along with the name of the rate element.
- 2) Rate elements not proposed to be changed. The utility shall summarize revenue from all those rate elements that will remain unchanged from the current rate charges.
- 3) Units in Service. Annual unit revenues for the historic year for the rate elements being changed shall be based on the year-end units in service multiplied by 12. Initial non-recurring charges or other one-time charge revenues shall be based on the historical year occurrences.
- 4) General instructions. Unless otherwise changed by subsection (3), the telecommunications carriers shall follow the instructions set forth in subsection (1) above to the extent that the instructions are appropriate.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.5020 Schedule E-5 Billing Units

- a) The Billing Units portion of the Rates and Tariffs Standard Filing Requirements (Schedule E-5) varies by the type of utility and Test Year chosen by the utility. Three E-5 Schedules are included.
- b) One set is applicable to the electric and gas utilities; one set is applicable to the water and sewer utilities; and one set is applicable to telecommunications carriers.
- c) Schedule E- 5 concerns only billing units that give rise to jurisdictional revenues reported in Schedule E-

4 (Section 285.5015) and does not require information on corresponding revenues.

- d) Schedule E-5 consists of three parts: Historical, Current, and Future.
 - 1) The Historical section (Section A) reports billing units for the selected historical year as actually experienced and as shown by the books and records and each adjustment made by the utility to the actual units for items such as weather, growth, etc., to arrive at pro forma revenues at present and proposed rates for the historical period as set forth in Section 285.5015 (d)(1).
 - 2) The Current section (Section B) reports all billing units beginning with those actually experienced in the historical test year and sets forth each adjustment for items such as weather and growth to arrive at pro forma revenues at present and proposed rates on pro forma sales used in Section 285.5015 (d)(2).
 - 3) The Future section (Section C) reports all billing units beginning with those actually experienced in the historical test year and sets forth each adjustment for items such as weather and growth to arrive at pro forma revenues at present and proposed rates on pro forma sales used in Section 285.5015 (d)(3).
- e) Schedule E-5 Electric and Gas Utilities
 - 1) "Billing Units" are to be reported by rate classifications which make up the total revenue for each designated rate in combination with its accompanying rider(s) to the rates, if any.
 - 2) "Billing units" for each rate schedule and each rate by block within a schedule are to be reported, whether changed or not. Components consist of:
 - A) customer charges (service charges);
 - B) minimum bills if applicable;
 - C) energy sales units;
 - D) demand units;

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- E) purchased gas adjustment units or fuel adjustment units;
 F) all other units as necessary that give rise to revenues.

f) Schedule E-5 Water and Sewer Utilities

Water and sewer utilities shall follow the instructions in subsection (e) to the extent that the instructions are appropriate.

g) Schedule E-5 Telecommunications Carriers

Telecommunications carriers shall provide rates and usage for all tariffed services.

h) Schedule E-5 All Utilities - Elasticity of Demand Study(ies)

Any utility which prepares an elasticity of demand study to support adjustments to test year billing units shall submit a copy of the study in addition to the other information required by this Section.

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.5025 Schedule E-6 Typical Bill Comparison

- a) There are two schedules labeled E-6. One schedule is applicable to gas, electric, water and sewer utilities, and the other schedule is applicable to telecommunications carriers.

- b) Typical bills by rate schedule and classification. Compute typical bill comparisons for residential customers for the test year for each rate schedule or combination of rate schedule with its associated rate rider on which such customers are serviced. Rates with different seasonal charges (winter, summer) shall be shown for each season. Rates with demand charges shall be shown for appropriate ranges of demand levels imposed by customers. Unmetered services shall be shown by the sales unit (per lamp, per hydrant) instead of level of usage. The bill comparisons shall demonstrate the full range of percent increases and decreases that are expected to occur by reporting the consumption levels that produce the maximum percent

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increase and the minimum percent increase or maximum percent decrease, whichever occurs.

- c) Calculation of bills. The dollar amounts computed for current bills and proposed bills shall include the charges resulting from the purchased gas adjustment factor, the fuel adjustment factor and the state revenue tax charge that were in effect on the date of filing. Municipal tax charges and franchise fees shall be separately stated.

- d) Bill comparison for telecommunications carriers. Telecommunications carriers shall submit data sought on the appropriate Schedule E-6. Data sought are bill comparisons for typical basic telecommunications service used by the majority of residential and business customers. If the charges are different for the exchange areas served, list the bill comparisons for typical service in representative rate groups (i.e., rate group with the highest percentage increase/decrease, rate group with the lowest percentage increase/decrease, and a rate group containing the largest number of exchanges).

(Source: Added at 14 Ill. Reg. 6000 , effective May 1, 1990)

Section 285.EXHIBIT A Revenue and Financial Summaries (Repealed)

Schedule-

- A-1 Comparison of Present and Proposed Rates-Jurisdictional-Pro forma-Non-telephone-
 A-2 Comparison of Present and Proposed Rates-Telephone-
 A-3 Overall Financial Summary

Exhibit A includes three (3) schedules. Schedules A-1 and A-2 are to summarize the revenue by rate classification or revenue classification. Information to be reported is taken from the Exhibit B schedules or the books and records of the utility. Schedule A-3 reports the calculated increase in revenue requirements for the test year for jurisdictional sales.

Schedule A-1 is to be used by non-utilities. Data shall be provided by effective rate classification and shall show for the test year only the average number of customers, number of units sold, revenue at present rates, revenue at proposed rates, difference in revenue and percent change. If the test year is other than the historical year, then the

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Schedule shall also show the average number of customers, units sold and revenue for the historical year.

Schedule A-2 is to be used by telephone utilities--Data to be reported covers:

- 1) each accounting revenue classification;
- 2) historical revenues; revenue at present and proposed rates; difference in revenues in dollars and percentage change for test year.

Schedule A-3 includes for the test year the elements of rate base and reports the increase in revenue requirements requested by the utility--Data to be reported covers:

- 1) fair value rate base;
- 2) original cost rate base;
- 3) current value;
- 4) operating income;
- 5) earned or projected rate of return for fair value rate base and original cost rate base;
- 6) cost of capital;
- 7) proposed operating income;
- 8) income deficiency;
- 9) gross revenue conversion factor (before add-on charges for revenue taxes);
- 10) revenue increase requested;
- 11) revenue increase including add-on revenue taxes.

(Source: Repealed at 14 Ill. Reg. 6000, effective May 1, 1990)

Section 285. EXHIBIT B Rate Base (Repealed)

- B-1 Jurisdictional Rate Base Summary--
- B-2 Plant in Service by Major Property Grouping or Major Account (Original Cost)--
- B-2+1 Proposed Adjustment to Plant in Service (Original Cost)--
- B-2+2 Gross Additions, Retirements and Transfers (Original Cost)--
- B-2+3 Property Merged or Acquired from Other Utilities--
- B-2+4 Leased Property--
- B-2+5 Property Held for Future Use Included in Rate Base--
- B-2+6 Property Excluded from Rate Base--
- B-3 Depreciation Reserve--
- B-3+1(a) Adjustments to Depreciation Reserve

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- B-3+2 Depreciation Accrual Rates by Accounts, Functions or Classifications--
- B-4 Construction Work in Progress--
- B-4+1(b) Construction Work in Progress--Percent Complete--
- B-5 Allowance for Working Capital--
- B-5 Balance Sheet Analysis--
- B-6 Jurisdictional Allocation Factors--
- B-6+1 Jurisdictional Allocation Statistics--Rate Base--
- B-6+2 Explanation of Changes in Allocation Procedures--Rate Base--
- B-7 Comparative Balance Sheets for Most Recent Five Fiscal or Calendar Years--
- B-8 Jurisdictional Current Value Rate Base Summary--
- B-8+1 Current Value Plant in Service by Major Property Grouping or Major Account--
- B-8+2 Proposed Adjustments to Current Value Plant in Service--
- B-8+3 Current Value Depreciation Reserve--
- B-8+4(b) Adjustments to Current Value Depreciation Reserve

RATE-BASE INSTRUCTIONS

1-0--GENERAL

1-1 Property Classification

The schedules included in Exhibit B--"Rate Base"--are designed to be applicable to more than one type of utility--All utilities must comply with the Uniform System of Accounts approved by the Commission (General Orders 1997-1807-189 and 1997--to be codified as 03-111-Adm-Code 5057-4157-605 and 7107)

Jurisdictional Allocation

A not make any non-jurisdictional allocations where total utility non-jurisdictional revenues for which rate relief is requested for the type of service are equal to or less than 5% of total company utility revenues.

2-0--PLANT IN SERVICE SCHEDULES

Schedule B-1: Jurisdictional Rate Base Summary

Summary rate base information should be presented in Schedule B-1--The information requested on Schedule B-1 is supported by the schedules which follow, i.e., Plant in

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Service information is supported by Schedule B-2; Depreciation Reserve is supported by Schedule B-3; Construction Work in Progress is supported by Schedule B-4; Allowance for Working Capital is supported by Schedule B-5; Jurisdictional Allocation Factors are supported by Schedule B-6; and Historical Rate-Base data is supported by Schedule B-7. Fair Value is supported by Schedules B-8 to B-14.

Data-to-be-covered includes:

1) Gross Utility Plant in Service at Original Cost;

2) Less Reserve for Accumulated Depreciation;

3) Net Utility Plant in Service - (1) - (2);

4) Plus Working Capital Allowance;

5) Plus Construction Work in Progress Included in Rate-Base;

6) Less Contribution in Aid of Construction;

7) Less Other Items (specify) - Customer Advances, Deferred Income Tax;

8) Jurisdictional Rate-Base - (Original Cost);

9) Adjustment for Fair Value at Original Cost (in dollars); Weight (in percentage); Current Value in dollars; and Weight (in percentage);

10) Fair Value Rate-Base.

Other items should be supported by schedules of the company's own design (schedules should contain a description of items; dollars involved by account; and reason for additions or deletions to the rate-base).

Schedule B-2: Plant in Service by Major Property Grouping or Major Account (Original Cost)

Provide in Schedule B-2 a breakdown of the dollars of Plant in Service by each major property grouping, functional class or account number.

Data-to-be-covered includes:

- 1) Line number;
- 2) Account number (if applicable);
- 3) Account description or property grouping (whichever is applicable);
- 4) Total Company;
- 5) Allocated percentage;
- 6) Allocated total;
- 7) Adjustment amount;
- 8) Adjusted jurisdictional amount.

Schedule B-2: Proposed Adjustments to Plant in Service (Original Cost)

For the Test Year, provide each adjustment made to Plant in Service on Schedule B-2 and fully explain in Schedule B-2.

Data-to-be-covered includes:

- 1) Line number;
- 2) Account number (if applicable);
- 3) Account or major property group description;
- 4) Amount by Total Company;
- 5) Adjustment;
- 6) Description and purpose of Adjustment.

Schedule B-2: Gross Additions, Retirements and Transfers (Original Cost)

For the Test Year, provide for each major functional plant property group or account, the plant beginning and ending balances, gross additions, retirements and transfers for the company occurring in the Test Year. If, in a particular account, transfers are a normal course of events, only a general description (under the column "Explanation of transfers") of the nature of the transfers is required.

Schedule B-2: Property Merged or Acquired from Other Utilities

Provide a list of all plant property over \$100,000 either merged or acquired from other utilities in the last three (3) years. Explain how the property was entered into plant property records (e.g., entered as

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original-cost, purchase-price-in-year-of-purchase, original-cost-less-accrued-book-depreciation-in-year-of purchase, etc.}.--Also describe the accounting treatment-of-any-acquisition-adjustments.

Data-to-be-covered-includes:

- 1) Line-number,--
- 2) Account-number, group-or-function,--
- 3) Description-of-Property,--
- 4) Acquisition-Cost,--
- 5) Cost-Base,--
- 6) Acquisition-Adjustment,--
- 7) Commission-Approval-Date-{Bracket-number},--
- 8) Date-of-Acquisition,--
- 9) Explanation-of-Property-Accounting-Treatment,--

Schedule-B-2.4: Leased-Property-Included-in-Rate-Base

Provide-a-list-of-all-properties-leased-to-the-utility as-lessee, and-improvements-to-leased-properties, together-with-annual-lease-payments.--Data-covered includes-all-properties-leased-with-lease-payments-over \$100,000-which-are-capitalized.

Data-to-be-covered-includes:

- 1) Identification-or-reference-number,--
- 2) Description-of-type-and-use-of-property,--
- 3) Name-of-lessor,--
- 4) Frequency-of-payments,--
- 5) Amount-of-lease-payment,--
- 6) Better-value-{or-estimate}-of-property-involved,--

Schedule-B-2.5: Property-Held-for-Future-Use-Included-in-Rate-Base

Prepare-a-list-of-all-property-held-for-future-use included-in-rate-base.--Plant-held-for-future-use should-not-be-included-in-any-plant-in-service-amounts on-Schedules-B-2.1-B-2.7-and-B-2.11.

Data-to-be-covered-includes:

- 1) Line-number,--
- 2) Description-and-location-of-Property,--
- 3) Date-of-acquisition,--

- 4) Original-Cost,--
- 5) Accumulated-Depreciation,--
- 6) Net-Original-Cost-{4}-{5},--

For-Revenue-realized,--include:

- 1) Amount,--
- 2) Account-number,--
- 3) Description,--

For-Expenses-incurred,--include:

- 1) Amount,--
- 2) Account-number,--
- 3) Description,--

Also-include-expected-in-service-date-and-expected-use of-property.--Only-amounts-exceeding-\$100,000-need-be separately-listed.--For-items-under-\$100,000-aggregate in-one-line.

Schedule-B-2.6: Property-Excluded-from-Rate-Base

For-the-service-or-area-where-rate-relief-is-requested, provide-a-list-of-all-utility-owned-property-associated with-the-service-or-area-excluded-from-the-rate-base for-reasons-other-than-jurisdictional-allocation.

Data-to-be-covered-includes:

- 1) Line-number,--
- 2) Account-number, group-or-function,--
- 3) Description-of-Property,--
- 4) Acquisition-Cost,--
- 5) Original-Cost,--
- 6) Accumulated-Depreciation,--
- 7) Depreciated-Original-Cost,--
- 8) Reasons-for-exclusion,--

Only-items-over-\$100,000-need-be-separately-listed. Items-under-\$100,000-may-be-aggregated-in-one-line item.--Construction-Work-in-Progress-should-not-be shown-on-schedule.

3.0--DEPRECIATION

Schedule-B-3. Depreciation-Reserve

List-depreciation-reserve-by-major-property-grouping, functional-class-or-account-numbers---if-depreciation reserves-are-not-kept-by-major-property-groupings-but are-kept-in-total, only-the-totals-should-be-given---in the-case-of-telephone, water-and-sewer-companies, only totals-in-Schedule-B-3-are-required.

Data-to-be-covered-includes:

- 1) Line-number?
- 2) Functional-class, Major-property-group-or-Account number?
- 3) Total-company?
- 4) Allocated-percentage?
- 5) Allocated-total?
- 6) Adjusted-amount?
- 7) Adjusted-jurisdictional-amount?

Schedule-B-3-i.(b)-Proposed-Adjustments-to-Depreciation Reserve

For-the-Test-Year, provide-the-information-indicated-in Schedule-B-3-i-for-all-proposed-adjustments-to depreciation-reserve-made-in-Schedule-B-3.

Data-to-be-covered-includes:

- 1) Line-number?
- 2) Adjustment-title?
- 3) Total-company-amount-and-allocated-amount?
- 4) Description-and-purposes-of-adjustment.

Schedule-B-3-2. Depreciation-Accrual-Rates-by-Accounts, Functional-Class-or-Major-Property-Group

For-the-Test-Year, the-utility-should-use-whatever-rate base-data-is-selected---for-accrual-rates, whatever rate-vas-or-viti-be-used-in-the-annual-report-(p-425 electric-and-telephone, p-532-for-gas)-should-be-used for-in-this-schedule.

Data-to-be-covered-includes:

- 1) Line-number?
- 2) Account-number-(if-applicable)?

- 3) Account-description?
- 4) Plant-investment-in-jurisdiction?
- 5) Current-accrual-rate-in-percentage?
- 6) Calculated-depreciation-expense?
- 7) Percentage-net-salvage?
- 8) Average-service-life?
- 9) Curve-form.

4-0 CONSTRUCTION-WORK-IN-PROGRESS

Schedule-B-4. Construction-Work-in-Progress

Construction-Work-in-Progress-should-be-consistent-with the-definition-given-in-the-Uniform-System-of-Accounts, provide-a-list-of-all-construction-projects-over-5% of the-total-CWIP-balance-for-the-period-reported-for-the utility-service-for-which-rate-relief-is-requested.

Data-to-be-covered-includes:

- 1) Line-number?
- 2) Project-number?
- 3) Description-of-project?
- 4) Direct-costs---construction-dollars?
- 5) Indirect-costs---APUD-Capitalized?
- 6) Indirect-costs---other?
- 7) Total-cost?
- 8) Allocation-percentage?
- 9) Total-jurisdictional-cost?
- 10) Estimated-percent-completion.

Schedule-B-4-i. (b)-Construction-Work-in-Progress-Percent Complete

Provide-a-list-of-construction-projects-in-progress which-are-included-in-Schedule-B-4.

Data-to-be-covered-includes:

- 1) Line-number?
- 2) Project-number?
- 3) Description-of-project?
- 4) Date-project-started?
- 5) Most-recent-estimated-project-completion-date?
- 6) Original-budget-estimate?
- 7) Most-recent-revised-estimate?
- 8) Accumulated-construction-costs?

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- 9) Percent complete-
- $\{(0)---\{(7)-x-100\}$

5-0 WORKING-CAPITAL

Schedule-B-5: Allowance-for-Working-Capital

Provide-a-summary-schedule-showing-the-calculation-of working-capital-for-the-period-reported--Show-each individual-component-(cash,-materials-and-supplies, etc.)-and-describe-the-methodology-used-to-calculate each-component:--if-no-claim-is-being-made-for-working capital,-omit-Schedule-B-5.

Schedule-B-5-1: Balance-Sheet-Analysis

Determine-the-average-(thirteen-months)-balance-for materials-and-supplies,-gas-stored-underground,-fuels, and-acquired-real-estate-taxes--Allocate-the-average balances-to-the-jurisdiction-using-appropriate allocation-factors.

6-0 ALLOCATION-FACTORS

Schedule-B-6: Jurisdictional-Allocation-Factors

For-the-test-year,-identify-by-rate-base-account-or component,-the-factor(s)-used-in-allocating-total utility property-to-the-jurisdiction--The-allocation factors-used-should-be-based-on-the-statistical measures-shown-in-Schedule-B-6-1.--For-example,-if-it were-determined-that-the-account-office-structures-and improvements-should-be-allocated-to-the-jurisdiction based-on-the-ratio-of-jurisdictional-sales-to-total sales,-the-appropriate-jurisdictional-sales-allocation factor-would-be-developed-in-Schedule-B-6-1-and-applied to-the-office-structure-and-improvements-accounts-on Schedule-B-6.

Data-to-be-covered-includes:

- 1) Line-number,-
- 2) Account-number,-
- 3) Account-description,-
- 4) Allocation-factor,-
- 5) Description-of-factor-and/or-method-of-allocation,-

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Schedule-B-6-1: Jurisdictional-Allocation-Statistics---Rate Base

Provide-for-the-test-year-the-statistics-used-in determining-the-jurisdictional-percentages-for-each allocation-factor-to-be-used-on-Schedule-B-6.

Data-to-be-covered-includes:

- 1) Line-number,-
- 2) Allocation-factor,-
- 3) Statistic-total-company,-
- 4) Adjustment-to-total-company-statistic,-
- 5) Adjusted-statistic-for-total-company- $\{(3)+-(4)\}$ -
- 6) Statistic-for-service-or-area,-
- 7) Allocation-factor- $\{(6)---(5)\}$ -

Schedule-B-6-2: Explanation-of-Changes-in-Allocation Procedures---Rate-Base

This-schedule-should-be-completed-only-if-the allocation-procedures-described-in-the-prior-schedules are-not-consistent-with-the-last-commission-order-for the-company.--For-each-account-or-component-with-a change,-identify-the-allocation-factor-used-in-the prior-order-and-the-rationale-for-not-using-that-factor in-this-application.

7-0 HISTORICAL-DATA

Schedule-B-7: Comparative-Balance-Sheet-for-Most-Recent Five-Fiscal-or-Calendar-Years

Provide-for-the-total-company-summary-balance-sheet (net-plant-classified-by-major-property-grouping,-if applicable)-for-the-most-recent-five-fiscal-or-calendar years-and-the-test-year.

8-0 PAIR-VALUE-RATE-BASE

If-a-utility-elects-to-submit-only-an-original-cost rate-base,-Schedules-B-8-1,-B-8-2,-B-8-3-and-B-8-4 need-not-be-completed-and-waiver-from-the-commission-on these-schedules-is-not-required--Data-to-be-submitted need-cover-only-the-test-year.

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Summary

Summary-Current-Value-rate-base-information-should-be presented-in-Schedule-B-0-1--the-information-requested on-Schedule-B-0-3-is-supported-by-the-schedules-which follow--i.e.,-Current-Value-Plant-in-Service information-is-supported-by-Schedule-B-0-1-to-B-0-2; Reserve-for-Accumulated-Depreciation-is-supported-by Schedule-B-0-3-and-B-0-4;--Other-items-should-be supported-by-schedules-of-the-utility's-own-design (schedules-should-contain-a-description-of-items, dollars-involved-by-account, and-reason-for-additions or-deletions-to-the-Current-Value-rate-base);

Data-to-be-covered-includes:

- 1) Line-number;
- 2) Gross-utility-plant-in-service-Current-Value;-
- 3) Less-reserve-for-accumulated-depreciation;-
- 4) Net-Current-Value-of-utility-plant-in-service-((2)- (3))

Schedule-B-0-1. Current-Value-Plant-in-Service-by-Major
Property-Grouping-or-Major-Account

Provide-in-Schedule-B-0-1-a-breakdown-of-the-dollars-of Current-Value-Plant-in-Service-by-each-functional class, account-number-or-major-property-grouping.

Data-to-be-covered-includes:

- 1) Line-number;
- 2) Account-number-(if-applicable);-
- 3) Account-description-or-property-grouping (whichever is-applicable);-
- 4) Total-utility;-
- 5) Allocated-percentage;-
- 6) Allocated-total;-
- 7) Adjustment-amount;-
- 8) Adjusted-jurisdictional-amount.

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Service.

Each-adjustment-made-to-Current-Value-Plant-in-Service on-Schedule-B-0-1-should-be-fully-explained-in-Schedule B-0-2.

Data-to-be-covered-includes:

- 1) Line-number;
- 2) Account-number-(if-applicable);-
- 3) Account-description-or-property-grouping;-
- 4) Amount-by-total-utility;-
- 5) Adjustment;-
- 6) Description-and-purpose-of-adjustment.

Schedule-B-0-3. Depreciation-Reserve

List-Test-Year-Current-Value-depreciation-reserve-by group, functional-class-or-account-numbers.--Describe the-method-used-to-determine-the-appropriate depreciation-reserve-for-each-account.

Data-to-be-covered-includes:

- 1) Line-number;
- 2) Account-number, group-or-function;-
- 3) Total-company;-
- 4) Allocated-percent;-
- 5) Allocated-total;-
- 6) Adjustment-amount;-
- 7) Adjusted-jurisdiction;-
- 8) Method.

Schedule-B-0-4. (b)-Adjustments-to-Current-Value
Depreciation-Reserve

For-all-adjustments-to-Current-Value-depreciation reserve-made-in-Schedule-B-0-3, provide-the-information indicated-in-Schedule-B-0-4.

Data-to-be-covered-includes:

- 1) Line-number;
- 2) Adjustment-title;-
- 3) Total-company-amount-and-allocated-amount;-
- 4) Description-and-purposes-of-adjustment.

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(Source: Repealed at 14 Ill. Reg. 6000, effective May 1, 1990)

Section 285. EXHIBIT C Operating Income (Repealed)

- e-1 Jurisdictional-Operating-Income-Summary-
e-2 Detailed-Jurisdictional-Operating-Income-Statement-
e-3 Summary-of-Utility-Proposed-Adjustments-
e-3.1 Detailed-Adjustments-
e-4 Summary-of-Jurisdictional-Allocation-Factors-
e-4.1 Allocation-Statistics-
e-4.2 Explanation-of-Changes-in-Allocation-Procedures
e-5 Federal-Income-Tax-
e-5.1 Investment-Tax-and-Job-Development-Credits-
e-6 Social-and-Service-Club-and-Membership-Dues-
e-7 Charitable-Contributions-
e-8 Demonstration-and-Selling, Advertising-and-Miscellaneous
Sales-Expense-
e-9 Lobbying-and-Political-Expenses-
e-10 Rate-Case-Expense-
e-11 Payroll-Costs-
e-11.1 Executive-Compensation-
e-12 Computation-of-the-Gross-Revenue-Conversion-Factor-
e-13 Comparative-Income-Statements-for-the-Most-Recent-Five
Fiscal-or-Calendar-Years-
e-14.1(a) Sales-Statistics---Total-Company-(Electric-and-Gas
Utilities)---Revenue-
e-14.2(b) Sales-Statistics---Total-Company-(Electric-and-Gas
Utilities)---Sales-Volume-
e-14.3(b) Sales-Statistics---Jurisdictional-(Electric-and-Gas
Utilities)---Revenue
e-14.4(b) Sales-Statistics---Jurisdictional-(Electric-and-Gas
Utilities)---Sales-Volume

OPERATING INCOME INSTRUCTIONS

1-0 GENERAL

1-1 Account-Classifications

The schedules included in Exhibit C---"Operating Income"
do not prescribe specific account-classifications in
order that the schedules may be applicable to more than
one type of utility.

Jurisdictional-Allocation

A utility need not make any non-jurisdictional
allocations where total utility non-jurisdictional
revenues for which rate relief is requested for the type
of service are equal to or less than 5% of total
company utility revenues.

2-0 OPERATING INCOME SCHEDULES

Schedule C-1: Jurisdictional-Operating-Income-Summary

For the Test Year, provide the jurisdictional operating
income statement by major category for the jurisdiction
for which a rate increase is requested, both at the
present rates and at the proposed rates.

Data to be covered includes:

- 1) Line number-
2) Description-(Operating Revenue, Operating Expenses,
Operation & Maintenance, Depreciation, Taxes,
Federal Income Taxes, State Income Taxes, Total
Operating Expenses, Income Available for Fixed
Charges, Rate Base, Rate of Return)-
Present Rates-
4) Test Year Proposed Increase-
5) Test Year Proposed Rates-
6) Historical Year at Present and Proposed Rates-

Schedule C-2: Detailed Jurisdictional-Operating-Income
Statement

Provide a detailed operating income statement by major
account function or group classification.

Data to be covered includes:

- 1) Line number-
2) Major Account-Function or Group-Classification-
3) Description-
4) Total Company-
5) Jurisdictional before adjustment-
6) Composite Allocation percentage-
7) Adjustment-
8) Jurisdictional Amount Adjusted-

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3-0 PROPOSED ADJUSTMENTS TO UTILITY-OPERATING-INCOME

Schedule-0-3- Summary-of-Utility-Proposed-Adjustments

Summarize each adjustment to total operating income in Schedule-0-3, showing for each adjustment the impact upon the elements of operating income. Each adjustment should be referenced by title of adjustment to the appropriate supporting schedules.

Schedules-0-3-17-27-37-etc. Detailed-Adjustments

Provide for each proposed adjustment included on Schedule-0-3 a separate schedule showing:

- 1) The title of adjustment and reference to operating income, Schedule-0-2,
- 2) Purpose and description of the adjustment,
- 3) Reference to company supporting work paper,
- 4) Summary calculations supporting the adjustment, by jurisdictional amount.

4-0 ALLOCATION-FACTORS

Schedule-0-4- Summary-of-Jurisdictional-Allocation-Factors

For the Test Year, identify by operating income element the factor(s) used in allocating total utility operating revenues, expenses and income by account, function or group classification to the jurisdiction on Schedule-0-4.

Schedule-0-4-1- Allocation-Statistics

Provide for each allocation factor the statistics used in determining the jurisdictional percentages.

Data to be covered includes:

- 1) Line number,
- 2) Allocation factors,
- 3) Statistic total company,
- 4) Adjustment to total company statistic,
- 5) Adjusted statistic for total company,
- 6) Statistic for rate area,
- 7) Allocation factor.

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Schedule-0-4-2- Explanation-of-Changes-in-Allocation-Proceedures

This schedule should be completed only if the allocation procedures described in the prior schedule are not consistent with the last Commission order for the company. For each account, function or group classification with a change, identify the allocation factor used in the prior order and rationale for not using that factor in this application.

5-0 ACCOUNT ANALYSES

For current test years and future test years, general categories may be listed and amounts aggregated with reasonable detail.

Schedule-0-5- Income-Tax

For the Test Year, provide a calculation of federal and state income tax expense, including a reconciliation of book-to-taxable income pursuant to the Commission's Forms-21 and 23. If the taxes included in Test Year operating income were not calculated in a manner consistent with Schedule-0-5, provide an additional schedule showing the methodology used.

Schedule-0-5-1- Investment-Tax-and-Job-Development-Credits

For the Test Year, provide in Schedule-0-5-1 a schedule of additions to and amortization of unamortized investment tax credits and job development credits.

Schedules-0-6-and-0-7- Social-and-Service-Club-Membership-Dues-and-Charitable-Contributions

Provide a detailed schedule listing the payee, the amount, the description, and the account(s) charged for each of the following:

- 1) Social and Service Club Membership Dues, Schedule-0-6,
- 2) Charitable Contributions, Schedule-0-7,
- 3) Items under \$100 each may be provided in total,
- 4) Non-claimed expenses in the aggregate.

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NOTICE OF ADOPTED AMENDMENTS**Schedule-G-8: Demonstration and Selling, Advertising, and Miscellaneous Sales Expenses**

Provide on Schedule-G-8, in accordance with the Uniform System of Accounts for each telephone utility with appropriate functions, the total amount, description, and accounts, for electric and gas utilities, provide information according to the principles in the Commission's Order in Docket 79-0716 (83 Ill. Adm. Code 295).

Schedule-G-9: Civil, Political and Related Activities

List all expenditures for the purpose of influencing public opinion with respect to the election or appointment of public officials, referendum, legislation, or ordinances (either with respect to the possible adoption of new referendum, legislation or ordinances or repeal or modification of existing referendum, legislation or ordinances) or approval, modification, or revocation of franchises, or for the purpose of influencing the decisions of public officials, but do not include such expenditures which are directly related to appearances before regulatory or other governmental bodies in connection with the reporting utility's existing or proposed operations.

Schedule-G-10: Rate-Case Expense

Provide an analysis of rate-case expenses and rate-case amortization for the test year as specified in Schedule G-10. The prior case used for comparison purposes should be the most recent case. Any significant changes may be footnoted by the utility.

Schedules-G-11 and G-11.1: Payroll Costs

Provide a schedule showing the distribution of the test year direct payroll costs by account classification, major property grouping and functional classification for the total utility in Schedule-G-11. Provide executive compensation as requested on Schedule-G-11.1. Information to be included is:

- (a) total remuneration paid and accrued for the five highest paid officers whose total remuneration exceeds \$50,000 annually, and

- (b) amount of remuneration paid to all officers as a gross amount stating the number of officers whose remuneration is included in that amount.

6-0 REVENUE-CONVERSION-FACTOR

Schedule-G-12: Computation of Gross Revenue Conversion Factor

Provide a detailed calculation of the gross revenue conversion factor used in Schedule-A-3. Calculation should be based on actual applicable tax rates.

7-0 HISTORICAL DATA

Schedule-G-13: Comparative Income Statements for the Most Recent Five Fiscal or Calendar Years

Data to be covered includes:

- 1) Line number;
- 2) Description;
- 3) Income for the most recent five fiscal or calendar years.

Schedules-G-14-1(b), G-14-2(b), G-14-3(b) and G-14-4(b): Sales Statistics

Provide for the total company the sales statistics specified on Schedules-G-14-1 and G-14-2. Provide for the jurisdictional area, the same statistics in Schedules-G-14-3 and G-14-4. Information provided should be for the most recent five historical and three projected fiscal or calendar years.

(Source: Repealed at 14 Ill. Reg. 6000, effective May 1, 1990)

Section 285, EXHIBIT D Rate of Return (Repealed)

- B-1 Cost of Capital Summary
- B-2 Cost of Short-Term Debt
- B-3 Embedded Cost of Long-Term Debt
- B-4 Embedded Cost of Preferred Stock
- B-5 Comparative Financial Data
- B-6 Source and Application of Funds

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RATE-OF-RETURN-INSTRUCTIONS

1-0 RATE-OF-RETURN-AND-COST-OF-CAPITAL

Schedule-B-1: Cost-of-Capital-Summary

Provide-for-total-company-or-jurisdictional-basis-a-cost-of-capital-summary-schedule-showing-the-calculation-of-the-weighted-average-cost-of-capital--the-utility-may show-any-class-of-capital-desired--for-all-classes shown--however--the-amount--percentage-of-total--percentage-cost--and-weighted-cost-should-be-provided--If-the-cost-of-capital-shown-on-Schedule-B-1-is-not-the same-as-that-shown-on-Schedule-A-3--line-6--provide explanation-of-difference

Schedules-B-2--B-3-and-B-4: Debt-and-Preferred-Stock

Provide-supporting-schedules-for-the-following:

Schedule-B-2: Cost-of-Short-Term-Debt--if-any

If-a-utility-does-not-propose-to-include-Short-Term Debt-in-its-capital-structure--the-calculation-at the-bottom-of-Schedule-B-2-need-not-be-computed

Data-to-be-covered-includes:

- 1) Line-number--
- 2) Issue--
- 3) Amount-Outstanding--
- 4) Interest-Rate--
- 5) Interest-Requirement--
- 6) Cost-of-Short-Term-Debt--

Schedule-B-3: Embedded-Cost-of-Long-Term-Debt--if-any, including-Notes--if-any

Data-to-be-covered-includes:

- 1) Line-number--
- 2) Debt-Issue-Type--Coupon-Rate--
- 3) Date-Issued--Month--Day--Year--
- 4) Maturity-Date--Month--Day--Year--
- 5) Principal-Amount--
- 6) Face-Amount-Outstanding--
- 7) Unamortized-Discount-or-Premium--

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- 0) Unamortized-Debt-Expense--
- 9) Carrying-Value--
- 10) Annual-Interest-Cost--
- 11) Embedded-Cost-of-Long-Term-Debt--

Schedule-B-4: Embedded-Cost-of-Preferred-Stock--if-any

Cost-is-computed-by-dividing-dividends-by-net proceeds-from-sale-of-each-Preferred-Stock-issue

Data-to-be-covered-includes:

- 1) Line-number--
- 2) Dividend-Rate--Type--Par-Value--
- 3) Date-Issued--
- 4) Dollar-Amounts-Outstanding-on-Par-Value--
- 5) Premium-or-Discount--
- 6) Issue-Expense--\$--
- 7) Net-Proceeds--
- 8) Annual-Dividends--\$--
- 9) Embedded-Cost-of-Preferred-Stock--

Schedule-B-5: Comparative-Financial-Data

Provide-a-comparison-of-financial-data-for-the-year and-the-ten-most-recent-calendar-or-fiscal-years-as illustrated-in-Schedule-B-5--on-a-total-company-or jurisdictional-basis

Data-to-be-covered-includes:

1) Plant-Data--

- a) Original-Plant-in-Service-by-functional classification--year-end--less-depreciation--if current-Value--less-depreciation--if available--
- c) Construction-Work-in-Progress-by-functional classification--year-end--
- d) Percentage-of-Construction-Financed Internally--

2) Capital-Structure--Percent-based-upon-year-end accounts

- a) Short-Term-Debt--
- b) Long-Term-Debt--

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- 3) Preferred-Stock+-
Common-Stock+-
- Condensed-Income-Statement-Data+-
- a) Operating-Revenues+-
b) Operating-Expenses-(excluding-PIR)+-
c) Federal-Income-Tax-(current)+-
d) Federal-Income-Tax-and-Investment-Tax-Credits
(deferred)-(net)+-
e) Operating-Income+-
f) APBDE+-
g) Other-Income-(net)+-
h) Interest-Charges+-
i) Net-Income+-
j) Preferred-Dividends+-
k) Earnings-Available-for-Common-Equity+-
l) APBDE---8-of-Net-Income+-
m) APBDE---8-of-Earnings-Available-for-Common
Equity+-
n) Return-on-Net-Original-Cost-Rate-Base-(year
end)+-
o) Return-on-Net-Fair-Value-Rate-Base-(year-end)+-
if-available+-

4) Costs-of-Capital+-

- a) Cost-of-Short-Term-Debt+-
b) Embedded-Cost-of-Long-Term-Debt+-
c) Embedded-Cost-of-Preferred-Stock+-

5) Fixed-Charge-Coverage+-

- a) Pre-Tax-Interest-Coverage+-
b) Pre-Tax-Interest-Coverage-(excluding-APBDE)+-
c) After-Tax-Interest-Coverage+-
d) After-Tax-Interest-Coverage-(excluding-APBDE)+-
e) Coverage-for-886-Pfittings+-
f) Indenture-Provision-Coverage+-
g) After-Tax-Fixed-Charge-Coverage+-

*If-combination-company,-e.g.,-gas-and-electric,-also-show
computation-for-each-operation-

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6) Stock-and-Bond-Ratings+-

- a) Moody's-Bond-Rating+-
b) Standard-and-Poor's-(S&P)-Bond-Rating+-
c) Moody's-Preferred-Stock-Rating+-
d) S&P-Preferred-Stock-Rating+-

7) Common-Stock-Related-Data+-

- a) Shares-Outstanding-(year-end)+-
b) Shares-Outstanding---Weighted-Average
(monthly)+-
c) Earnings-per-share---Weighted-Average+-
d) Dividends-paid-per-share+-
e) Dividends-declared-per-share+-
f) Dividend-payout-ratio-(declared-basis)+-
g) Market-price---high-(low)+-
1st-quarter+-
2nd-quarter+-
3rd-quarter+-
4th-quarter+-

8) Book-Value-per-share-(year-end)+-

9) Other-Financial-and-Operating-Data+-

- a) Mix-of-Sales-(gas-and-electric)+-
b) Mix-of-Pwr-(gas-and-electric)+-
c) Composite-Depreciation-Rates+-

Schedule-B-6+ Source-and-Application-of-Funds

Provide-Information-as-normally-provided-by-the-company+-

2-0--DEFINITIONS

- 1) "Percentage-of-construction-financed-internally"---(Net
income-less-preferred-dividends-and-common-dividends
plus-depreciation-plus-deferred-taxes-and-investment-tax
credits-(net)-less-APBDE)-divided-by-(gross-construction
expenditures-less-APBDE)+-
- 2) "Pre-tax-interest-coverage"---(income-available-for
interest-charges-plus-federal-income-tax-expense)
divided-by-(interest-charges)+-
- 3) "Indenture-provision-coverage"---Company-should-provide
this-definition-and-also-the-minimum-coverage-required+-

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if other restrictions are contained in indenture, (e.g., capitalization ratio test), list on separate page.

- 4) "After-tax fixed-charge coverage"---(income available for fixed charges) divided by (interest charges plus preferred dividends);
- 5) "Book value per share"---Year-end common stock equity divided by number of common shares outstanding at year end;
- 6) Return-on-average-total-capital"---(income available for fixed charges) divided by (average total capitalization including Short-Term Debt);
- 7) "Return-on-average-common-stock-equity"---(Earnings available for common shares) divided by (average common stock equity);
- 8) "Mix of Sales"---By percentage of sales, list major classes of customers;
- 9) "Mix of Fuels"---By percentage of fuels, list major categories of fuels, (oil, gas, coal, nuclear, propane, etc.);

(Source: Repealed at 14 Ill. Reg. 6000, effective May 1, 1990)

Section 285. EXHIBIT E Rates and Tariffs (Repealed)

- E-1 Copy of Proposed Rate Schedules
- E-2 Scored Copy of Proposed Rate Schedules
- E-3 Narrative Rationale for Tariff Changes
- E-4 Jurisdictional Operating Revenue
- E-5 Typical-Bill Comparison

RATES AND TARIFFS- INSTRUCTIONS

1-0 PRESENT AND PROPOSED RATE SCHEDULES

Schedule E-1: Copy of Proposed Tariff Schedules

Provide one copy of all current tariff schedules for which changes are proposed. Identify each page with Schedule E-1, page _____ of _____ in the upper right-hand corner.

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Schedule E-2: Scored Copy of Proposed Tariff Schedules

Provide one copy of all proposed tariff schedules which have all proposed changes underscored. Use an appropriate method for identification of changes, such as the following: designate deletion of words, phrases, sentences and paragraphs from current tariff schedules with an (*) at the location of the deletion. Designate in the margin the type of proposed change or deletion by using the following designation:

- (C)---to signify changed regulations;
- (I)---to signify increased rates;
- (N)---to signify new rate or regulation;
- (R)---to signify reduced rate;
- (W)---to signify a change in text, but no change in rate or regulation.

Schedule E-3: Narrative Rationale for Tariff Changes

Provide the rationale on Schedule E-3 underlying the proposed changes to the tariff. Changes common to multiple rate forms need be discussed only once (e.g., minimum bill charges have been increased about 10% on all rates because-----). Provide a specific source of data or narrative supporting each rationale for change. The source of data need not be submitted with the filing but must be available to the Staff. If explanation is part of testimony, then it need not be duplicated in the schedules. Reference the appropriate current or proposed rate schedules to which the rationale is applicable. Use the proper schedule and page number.

2-0 JURISDICTIONAL REVENUE SUMMARY

The Revenue Summary portion of the Rates and Tariffs Standard Filing Requirements (Schedule E-4) varies by the type of utility and test year chosen by the utility. Three E-4 Schedules are included:

One set is applicable to the electric and gas utilities; one set is applicable to the water and sewer utilities; and one set is applicable to telephone utilities.

Schedule E-4 concerns only jurisdictional revenue.

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Current,-and-Future.

The-Historical-section-(Section-A)-reports-revenue for-the-selected-historical-year-as-shown-by-the books-and-records-of-the-utility,-pro-forma-at present-rates-and-pro-forma-at-proposed-rates. Present-rent-rates-are-those-rates-in-effect-on-the date-of-filing-the-proposed-rates.

The-Current-section-(Section-B)-reports-calculated revenue-for-present-rates-and-proposed-rates-on-pro forma-sales,-pro-forma-sales-are-sales-estimated to-occur-to-annualize-the-current-year-sales-for changes-that-occurred-during-the-historic-year-or are-expected-to-occur-in-the-current-year.

The-Future-section-(Section-C)-reports-projected revenue-for-current-rates-and-proposed-rates-on-the projected-annual-sales-for-the-future-year. Only-utilities-selecting-a-future-year-need-to complete-Section-C.

Schedule-B-4r Electric-and-Gas-Utilities

"Revenue"-is-to-be-reported-by-rate-classifications which-make-up-the-total-revenue-for-each-designated-rate in-combination-with-its-accompanying-rider(s)-to-the rate,-if-any.-All-rate-schedules-are-to-be-reported, whether-changed-or-not,-so-that-total-revenue-from-the tariff-schedule-will-be-reported.-Components-consist-of the-(a)-basic-rate-changes,-(b)-purchased-gas-adjustment charges-or-fuel-adjustment-charges,-(c)-add-on-tax charges-to-recover-governmental-tax-assessments-on-gross revenue,-except-municipal-tax-(unless-it-applies uniformly-to-the-whole-service-area)-and-(d)-any-other add-on-charges-not-covered-otherwise,-all-as-in-effect at-the-date-of-filing.-Do-not-include-"forfeited discounts",-Municipal-tax-should-be-included-in-"other" unless-it-applies-to-the-utility's-total-service-area. A-footnote-should-indicate-where-the-Municipal-tax Revenue-is-reported.

"Average-Number-of-Customers"-is-the-total-number-of bills-in-the-year-divided-by-the-number-of-billing periods.

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Schedule-B-4r Water-and-Sewer-Utilities

Water-and-sewer-utilities-should-follow-the-instructions set-forth-above-to-the-extent-that-the-instructions-are appropriate.

Schedule-B-4r Telephone-Utilities

1) Rate-Elements-Proposed-to-be-Changed

Schedule-B-4-for-telephone-utilities-provides-for the-reporting-of-revenue-and-sales-data-by-category and-on-a-per-rate-element-within-the-category. Provide-the-tariff-sheet-number-reference-for-each rate-element-that-is-being-changed-by-the-proposed rate-filing-along-with-the-name-of-the-rate element.

2) Rate-Elements-Not-Proposed-to-be-Changed

The-utility-shall-summarize-revenue-from-all-those rate-elements-that-will-remain-unchanged-from-the current-rate-changes.

3) Midyear-Units-in-Service-or-Inward-Movements-Annual Unit-Sales-for-the-Historic-Year-for-the-Rate Elements-being-changed-in-charge-may-be-based-on either-the-midyear-units-in-service-multiplied-by 12-or-based-on-monthly-average-of-units-in-service. Inward-movements-refers-to-initial-Non-recurring Charges-(INC)-or-other-one-time-charges.

4) General-Instructions

Unless-otherwise-changed-by-paragraph-(3)-the telephone-utilities-should-follow-the-instructions set-forth-in-(1)-above-to-the-extent-that-the instructions-are-appropriate.

3-0 TYPICAL-BIBB-COMPARISON

NOTE---There-are-two-schedules-labeled-B-5---One schedule-is-applicable-to-gas-electric-water-and-sewer utilities,-and-the-other-schedule-is-applicable-to telephone-utilities.

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Schedule-E-5- Typical-Bills-by-Rate-Schedule-and Classification

Compute-typical-bill-comparisons-for-residential customers-for-the-Fest-Year-for-each-rate-schedule-or combination-of-rate-schedule-with-its-associated-rate rider-on-which-such-customers-are-served--Rates-with different-seasonal-charges-(winter,-summer)-shall-be shown-for-each-season--Rates-with-demand-charges-shall be-shown-for-appropriate-ranges-of-demand-levels-imposed by-customers--Unmetered-services-should-be-shown-by-the sales-unit-(per-lamp,-per-hydrant)-instead-of-level-of usage--The-bill-comparisons-shall-demonstrate-the-full range-of-percent-increases-and-decreases-that-are expected-to-occur-by-reporting-the-consumption-levels that-produce-the-maximum-percent-increase-and-the minimum-percent-increase-or-maximum-percent-decrease- whichever-occurs.

Calculation-of-the-Bills

The-dollar-amounts-computed-for-Current-Bills-and Proposed-Bills-shall-include-the-charges-resulting from-the-purchased-gas-adjustment-factor,-the-fuel adjustment-factor-and-the-state-revenue-tax-charge that-were-in-effect-on-the-date-of-filing.
Municipal-tax-charges-and-franchise-tax-charges should-be-excluded.

Bill-Comparison-for-Telephone-Utilities

Telephone-utilities-shall-submit-data-sought-on-the appropriate-Schedule-E-5--Data-sought-is-bill comparisons-for-typical-basic-telephone-service used-by-the-majority-of-residential-and-business customers--If-the-charges-are-different-for-the exchange-areas-served,-list-the-bill-comparisons for-typical-service-in-representative-rate-groups (fire,-rate-group-with-the-highest-percentage increase/decrease,-rate-group-with-the-lowest percentage-increase/decrease,-and-a-rate-group containing-the-largest-number-of-exchanges).

(Source: Repealed at 14 Ill. Reg. 6000 , effective May 1, 1990)

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NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Falconry and the Captive Propagation of Raptors

2) CODE CITATION: 17 Ill. Adm. Code 1590

3) SECTION NUMBERS: ADOPTED ACTION:

1590.20	Amendments
1590.50	Amendments
1590.70	Amendments
1590.80	Amendments
1590.90	Amendments
1590.100	Amendments
1590.100	New Section

1590.100

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36) and Section 335 of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 335).

5) EFFECTIVE DATE OF AMENDMENTS: April 17, 1990

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: April 13, 1990

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: November 14, 1989, 13 Ill. Reg. 17174

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 1590.50(a), "October 4, 1985" was updated to September 14, 1989."

In Section 1590.50(a)(1)(a), "July 31" was removed and "June 30" was replaced with "the permit expiration date".

In Section 1590.50(a)(1)(B), "14" was changed back to "18".

In Section 1590.50(a)(2), "these regulations" was changed to "this Part".

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In Section 1590.70(a), a new (3) was added. The language had previously been under Section 1590.70(b)(4).

In Section 1590.70(b)(1), in line 6 "narrower" was misspelled and the first line of the new language was changed to read "An outdoor weathering area must be provided and may be attached to the indoor mew or separated from the building."

In Section 1590.70(b)(2), "and be large enough that the bird(s) will not hit the sides with wings extended" was removed.

Sections 1590.70(b)(3) and (4) were removed and the subsequent subsection relabeled.

In Section 1590.70(b)(4)(B), "resistant" was misspelled.

In Sections 1590.80(b), (c), (c)(1), (c)(2), (d) and (d)(3), the citations to the "CFR" were updated to "September 14, 1989".

In Section 1590.80(b), "during the permit year (July 1 - June 30)" was replaced with "per year". This same change was made in Section 1590.80(c).

In Section 1590.80(c), the new language being added was removed and replaced with "(no incorporation in this Part includes later amendments or additions)".

In Section 1590.80(c)(1), "golden eagles" was put back in.

In Section 1590.90(a), "these rules and regulations" was replaced with "this Part".

In Section 1590.90(c), following the "CFR" reference, "(no incorporation in this Part includes later amendments or additions)" was added.

In Section 1590.100(b), "within thirty days" was changed to "within five days on U.S. Fish and Wildlife Form 3-186 (see APPENDIX A)".

In Section 1590.100(c), "as part of the annual report and before any replacement raptor is obtained" was replaced with "within five days, as determined by the postmark, on U.S. Fish and Wildlife Service Form 3-186A".

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In Section 1590.100(d), "on U.S. Fish and Wildlife Service Form 3-186A" was added following "writing" and "10 days" was changed to "5 days".

In Section 1590.100(e)(1), following "permittee" in line 2, the following was added: "and U.S. Fish and Wildlife Service Form 3-186A".

Sections 1590.100(f) and (g) were removed and the subsequent subsection relabeled.

An APPENDIX A "Migratory Bird Acquisition and Disposition Report" was added.

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: This Part was amended to incorporate Federal Regulations and changes in these regulations and to allow for the capture of eyas and to change capture dates and weathering facility requirements.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER d: FORESTRY

PART 1590
FALCONRY AND THE CAPTIVE PROPAGATION OF RAPTORS

Section

- 1590.10 Establishment of Rules and Regulations
1590.20 Definitions for the Purpose of these Regulations
1590.30 Provisions of Rules and Regulations (Repealed)
1590.40 Violation of Rules (Repealed)
1590.50 Permit and License Requirements
1590.60 Examination and Application Procedures
1590.70 Inspection of Facilities and Equipment
1590.80 Falconry Permits - Class and Types
1590.90 Capturing of Raptors - Regulations
1590.100 Transfer, Temporary Care and Reporting Requirements
1590.110 Hunting Seasons for Falconers
1590.120 Special Provisions
1590.130 Violation of Rules

APPENDIX A Migratory Bird Acquisition and Disposition Report

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36) and Section 335 of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 335).

SOURCE: Amendment filed November 17, 1977; effective January 1, 1978; emergency amendment at 5 Ill. Reg. 9161, effective September 1, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 6207, effective May 14, 1982; amended at 10 Ill. Reg. 16627, effective September 24, 1986; amended at 11 Ill. Reg. 11350, effective June 9, 1987; amended at 12 Ill. Reg. 12807, effective July 26, 1988; amended at 13 Ill. Reg. 10567, effective June 16, 1989; amended at 14 Ill. Reg. 6088, effective April 17, 1990.

Section 1590.20 Definitions for the Purpose of these Regulations

- a) Falconry - The sport of taking or attempting to take any species of animal by means of a trained raptor.
b) Falconer - a person who engages in the sport of falconry.

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- c) Raptor - any bird of the Orders Falconiformes or Strigiformes which includes all hawks, eagles, falcons, kites, harriers, ospreys, and owls.
d) Endangered Species - any species or subspecies contained in the federal endangered species list issued pursuant to the federal Endangered Species Protection Act of 1973 (16 U.S.C. 1531 et seq.) and its amendments plus other species or subspecies as the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 331 et seq.) deems to be in danger of extinction (reference 17 Ill. Adm. Code 1010).
e) Threatened Species - any species or subspecies likely to become an endangered species or subspecies in the foreseeable future pursuant to Federal Endangered Species Act of 1973 and Illinois Endangered Species Protection Act.
f) Department - The Department of Conservation.
g) Fish and Wildlife Service - the United States Department of Interior - Fish and Wildlife Service
h) Imping - the method of repairing broken flight or tail feathers.
i) Marker - a seamless, or other numbered, non-reusable marker supplied by the Fish and Wildlife Service.
j) Replacement Raptor - a raptor obtained from the wild to replace one which has died in captivity, has escaped, or has been lawfully released to the wild.
k) Bred in Captivity or Captive-Bred - refers to raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.

(Source: Amended at 14 Ill. Reg. 6088, effective April 17, 1990)

Section 1590.50 Permit and License Requirements

- a) It shall be unlawful for any person to take, possess, or transport any raptor for falconry purposes or practice falconry in Illinois unless a valid falconry permit has been issued pursuant to these regulations or issued by another State in accordance with federal regulations (50

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CPR 21, effective October 4, 1985 (September 14, 1989) (no incorporation in this Part includes later amendments or editions).

- 1) Residents - Illinois residents may hold raptors in captivity only under a falconry permit issued by the Department and Fish and Wildlife Service.

A) The initial fee for an Illinois Falconry Permit shall be thirty (\$30) dollars and must be renewed annually by July 31 for a fee of thirty (\$30) dollars if raptors are to be possessed or held beyond June 30 the permit expiration date.

- B) All applicants must be at least 18 years of age.

- 2) Non-Residents - Federally licensed non-resident falconers may transport and possess properly marked raptors in Illinois for falconry purposes on a temporary basis not to exceed 30 days. Written authorization from the Department is required in advance if any such raptor is to be brought into Illinois in excess of 30 days. While in Illinois, all non-residents shall comply with all applicable provisions of this Part and obtain the appropriate hunting licenses, stamps, or permits as may be required under Illinois law.

A) ~~While in Illinois, all non-residents shall comply with all applicable provisions of these regulations and obtain the appropriate hunting licenses, stamps, or permits as may be required under Illinois law.~~

B) ~~The 10 year old age requirement for Illinois permittees shall not apply to federally licensed non-residential permittees.~~

- b) The falconry permit or a copy must be in the possession of the holder when engaged in falconry activity.

- c) No person shall transfer the falconry permit or unused markers or allow the use thereof by any other persons, nor shall any person while engaged in falconry, use or carry any permit or marker issued to another.

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- d) Nothing in this Section shall prohibit a falconry permittee in possession of a letter of authorization from using the raptor of another permittee for falconry purposes on a temporary basis not to exceed 30 days.

(Source: Amended at 14 Ill. Reg. 6088, effective April 17, 1990.)

Section 1590.70 Inspection of Facilities and Equipment

- a) All applicants and falconry permit holders must provide suitable facilities for all raptors in possession.

- 1) All applicant facilities must be inspected and certified by a Department representative prior to issuance of a falconry permit.

- 2) All falconry permit holders are subject to inspection of raptors, eggs, or parts thereof, facilities and equipment at any reasonable time.

- 3) Raptors shall be provided perches of acceptable design and be protected from excessive temperatures (heat and cold), wind, rain, or other inclement weather, from predators, and from undue disturbances.

- b) Facilities shall meet the following standards:

- 1) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors. Raptors shall be tethered or separated by partitions and each bird shall be provided enough area to allow it to fully extend its wings. There shall be adequate perches, a secure door easily closed, and at least one window protected on the inside by vertical bars spaced narrower than the width of the bird's body. The floor shall be well drained and shall permit easy cleaning. An outdoor weathering area must be provided and may be attached to the indoor mew or separated from the building. The weathering area shall be fenced and covered with netting or wire or roofed, except for perches more than 6 1/2 feet high. The enclosed area shall be large enough to insure that birds flying from a perch cannot strike the fence.

- 2) Outdoor (weathering area) facilities shall be fenced

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~~and covered with netting or wire or reefer, except for perches more than 6 1/2 feet high. The enclosed area shall be large enough to insure that birds flying from a perch cannot strike the fence. An alternative facility will be an outdoor facility big enough to allow easy access for caring for the raptors so they do not strike the fence when flying from the perches with an enclosure big enough to protect the bird(s) from adverse elements. The enclosure will be provided with a suitable perch. This enclosure will be inside the outdoor facility.~~

~~3) Raptors shall be provided perches of acceptable design and be protected from excessive temperatures (heat and cold), wind, rain, or other inclement weather, from predators, and from undue disturbances.~~

4-31 Equipment

- A) Jesses - at least one pair of Alymeri jesses or similar type construction of pliable leather or suitable synthetic material for use when any raptor is flown free;
- B) Leashes and swivels - at least one flexible, weather-resistant leashed and one strong swivel of acceptable falconry design;
- C) Bath container - a suitable container for each raptor two to six inches deep and wider than the length of the raptor.
- D) Outdoor perches - a weathering area perch of acceptable design for each raptor; and
- E) Weighing device - a reliable scale or balance suitable for weighing the raptors held and graduated to increments of not more than 1/2 ounce or 15 grams.

(Source: Amended at 14 Ill. Reg. 6088, effective April 17, 1990)

Section 1590.80 Falconry Permits - Class and Types

- a) Apprentice Class. Regardless of age, a new Illinois applicant must serve an apprenticeship under a general

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or master class permittee for at least two consecutive years and may possess only one raptor - either a red-tailed hawk, ~~or a~~ kestrel or red-shouldered hawk obtained from out of state or from another falconer. An apprentice is limited to one replacement raptor per year. Sponsors may not have more than three apprentices. An applicant may be exempted from this requirement if the applicant has proof of at least two years of licensed experience in the care of raptors and hunting and trapping techniques and approval is granted by the Department.

b) General Class. After two years of licensed experience and upon written approval by the Department, the apprentice shall become a general class permittee. A general class permittee shall possess no more than two raptors, and may not obtain more than one replacement raptor ~~during the permit year (July 1 - June 30) per year.~~ A general class permittee shall not take, transport, or possess any species or subspecies listed as endangered or threatened by the U.S. Fish and Wildlife Service (50 CFR 17, effective September 30, 1985) (no incorporation in this Part includes later amendments or editions) and the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010).

c) Master Class. After five years experience at the general class level, a permittee shall become a master class permittee. A master class permittee shall possess no more than three raptors, and may not obtain more than two replacement raptors ~~during the permit year (July 1 - June 30) per year.~~ A master class licensee shall not take, transport, or possess any species or subspecies listed as endangered by the U.S. Fish and Wildlife Service or the Illinois Endangered Species Protection Board. A master class licensee shall not take, transport, or possess as part of the three bird limit more than one raptor listed as threatened by the U.S. Fish and Wildlife Service and then only in accordance with prior written approval by the Department and the U.S. Fish and Wildlife Service (50 CFR 17, effective September 30, 1985) (no incorporation in this Part includes later amendments or additions).

- 1) Bald eagles, golden eagles, ospreys, all owls except the great-horned owl, species or subspecies prohibited by Section 2.4 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 2.4) and any species

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or subspecies considered endangered (or restricted due to a similarly-appearing status) by the U.S. Fish and Wildlife Service may not be used or possessed for falconry in Illinois. Use of threatened species shall be in compliance with federal regulations (50 CFR 17, effective September 30, 1985; 14, 1989).

- 2) Any raptor listed as endangered or threatened by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) and not by the U.S. Fish and Wildlife Service (50 CFR 17, effective September 30, 1985; 14, 1989) may not be captured in Illinois for falconry purposes. This prohibition shall not prevent a licensee from legally obtaining a bird in another state or country and bringing that bird into Illinois provided the applicable permits are obtained.

d) Captive Propagation. Raptors held for captive propagation purposes may be held only under permits from both the U.S. Fish and Wildlife Service and the Department. The fee for a captive propagation permit is thirty (\$30) dollars per year and must be renewed annually. A holder of an Illinois captive propagation permit must also be a holder of an Illinois falconry permit. An Illinois captive propagation permit holder may transfer birds held under the authority of the propagation permit to a falconry permittee provided the permittee meets Federal and Department requirements for receiving and holding such birds pursuant to federal regulations (50 CFR 21.27, effective January 4, 1974; September 14, 1989). Nothing in this part shall prevent a permittee from holding individual birds under the authority of both the falconry permit and the captive propagation permit at the same time within the numerical limits for the falconry permit.

- 1) Raptors shall not be cross-bred (hybridization) unless specific authorization is granted by the Department.
- 2) Raptors may be loaned for breeding purposes in accordance with Section 1590.100 of this Part.
- 3) Markers shall be placed on all captive-produced raptors as directed by the Department or the U.S. Fish and Wildlife Service (50 CFR 21, effective

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October 4, 1985; September 14, 1989).

- e) The Department shall issue special use permits in accordance with 17 Ill. Adm. Code 520.

(Source: Amended at 14 Ill. Reg. 6088, effective April 17, 1990)

Section 1590.90 Capturing of Raptors - Regulations

- a) A permittee in possession of a valid "Capture Permit" may capture one first-year (immature) bird of a non-prohibited species or subspecies between August 1 and December 31, the capture or taking of any young bird in Illinois not yet capable of flight is prohibited. Raptors of a non-prohibited species or subspecies. The capture season for immature raptors capable of flight (passage) and adult (haggard) kestrels and great horned owls shall be between September 1 and January 31; the capture or taking of any young bird in Illinois not yet capable of flight (evas) is limited to general and master class permittees during the first, second, third and fourth Saturdays in March and from May 20 to June 11. When evasses are captured, at least one evas shall be left in the nest. No permittee may capture any raptor without an appropriate permit from the Department to do so. The Department shall determine eligibility by compliance with the provisions of these rules and regulations. This Part. The fee for a raptor capture permit for a resident of the State of Illinois is thirty (\$30) dollars per year. The fee for a non-resident raptor capture permit is one hundred fifty (\$150) dollars per year. The Department will authorize up to 250 "Capture Permits" annually, but not more than one such permit to any licensee in one calendar year. Requests for capture permits in excess of 250 will be considered first in following years. All raptors shall be captured in a humane manner.

- 1) The marker must be attached to the raptor immediately upon acquisition, and written notification provided to the Department within five days of capture as determined by the postmark.
- 2) Markers shall not be altered, counterfeited, or defaced.
- 3) Permit holders capturing any previously marked

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raptor(s) shall immediately report such trapping to the Department or the previous owner.

- b) Species or sub-species not prohibited, may be imported into Illinois after obtaining a permit from the Department; this permit will be issued only after receipt by the Department of a letter of authorization or permit from the authorized agency in charge of the location from where the raptor is to be obtained.

- c) Raptors taken under a depredation (or special purpose) permit may be used for falconry by general or master falconers in compliance with federal regulations (50 CFR 21, effective September 14, 1989). (No incorporation in this Part includes later amendments or additions).

(Source: Amended at 14 Ill. Reg. 6088, effective April 17, 1990)

Section 1590.100 Transfer, Temporary Care and Reporting Requirements

- a) Permittees shall not purchase or sell any raptor except as specified in subsection (h), this includes both wild and captive-bred or reared raptors.

- b) Permittees may exchange or transfer raptors only with prior written authorization from the Department when the exchange or transfer involves interstate movement of the raptor, provided no money or other consideration is involved. Permittees may exchange or transfer raptors without written authorization from the Department when the exchange or transfer occurs entirely within Illinois (intrastate) and provided no money or other consideration is involved. The Department must be notified in writing of such transfers within five days on U.S. Fish and Wildlife Service Form 3-186A (see APPENDIX A), as determined by the postmark.

- 1) Apprentice class and general class permittees may exchange or transfer raptors only with prior written authorization from the Department provided no money or other consideration is involved.

- 2) Master class permittees may exchange or transfer raptors without written authorization from the Department when the exchange or transfer occurs entirely within Illinois (intrastate) and provided

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~~no money or other consideration is involved. The Department must be notified of such transfers within five days as determined by the postmark.~~

- c) Raptors that escape, are lost, die in captivity, or whose status is otherwise changed shall be reported, in writing, to the Department within five days of such occurrence (as determined by the postmark) within five days, as determined by the postmark, on U.S. Fish and Wildlife Service Form 3-186A. The carcasses of dead raptors, with marker in place, shall be turned over to disposed of at the direction of the Department. Markers shall be turned over to the Department.

- d) Raptors ~~to be~~ permanently released into the wild (non-native raptors and golden eagles may not be permanently released in Illinois) ~~may only be released after Department authorization shall be reported to the Department in writing on U.S. Fish and Wildlife Service Form 186-A within five days after such release as determined by the postmark. Raptors authorized for release to be released must be banded with an official U.S. Fish and Wildlife Service aluminum bird band by the Department or an authorized bird bander whenever possible and have the permanent marker removed and surrendered to the Department.~~

- e) Falconry permit holders of the appropriate class may temporarily care for the raptor(s) of another permittee in accordance with the following:

- 1) For care periods not exceeding thirty days, written authorization from the permittee and U.S. Fish and Wildlife Service Form 3-186A shall accompany the raptor. The written authorization shall include the name and permit number of the permittee and name and permit number of the permit holder providing the temporary care. The written authorization shall be an original copy bearing the signature of the permittee and dated by the permittee as to when such temporary care will begin.

- 2) For care periods exceeding thirty days, the Department shall be notified at least five days in advance in writing as to when the transfer will occur, the location where the raptor(s) will be, who will be caring for the raptor(s), approximately how long the raptors will be there, and the reason for

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temporary care.

4) All permittees may be required to submit an annual report by July 31 of each year of all raptors possessed on June 30. This report shall include the following information: species, marker number(s), sex, age, and the date and source of acquisition. The same information must also be reported for raptors possessed or acquired since the previous annual report, but no longer in possession, and must also include the source and date acquired and the reason for termination of possession. This report will be submitted on a form supplied by the U.S. Fish and Wildlife Service.

5) All permittees shall be requested to submit an accurate annual report of harvest of wildlife species by falconry by February 28 for the preceding falconry hunting season.

6) Nothing in this Section shall prohibit a falconry permittee from purchasing a captive-bred raptor from outside the State of Illinois provided that the purchase is in accordance with the laws of the jurisdiction from which the captive-bred raptor is obtained, the captive-bred raptor is of a species which may be legally held by the permittee (see Section 1590.80), and the captive-bred raptor was legally acquired by the person from whom it is being purchased as demonstrated by the U.S. Fish and Wildlife Service forms (see Section 1590.100(f)).

(Source: Amended at 14 Ill. Reg. 6088, effective April 17, 1990)

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Section 1590.APPENDIX A Migratory Bird Acquisition and Disposition Report

UNITED STATES DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
MIGRATORY BIRD ACQUISITION AND DISPOSITION

TRANSFER

Name: _____ FWS Permit No: _____
Address: _____
City: _____ State: _____ Zip: _____
Species: _____ Band No: _____
Age: _____ Nestling _____ Adult _____ Year of Hatch
Sex: _____ Male _____ Female _____ Unknown _____
Type of Disposition: _____ Release _____ Escape _____ Theft _____
Date: _____ Death _____ Gift _____ Sale _____ Loan _____

ACQUIRE

Name: _____ FWS Permit No. _____
Address: _____
City: _____ State: _____ Zip: _____
Species: _____ Band No: _____
Age: _____ Nestling _____ Adult _____ Year of Hatch
Sex: _____ Male _____ Female _____ Unknown _____
Type of Acquisition: _____ Wild-Caught _____ Purchase _____ Gift _____ Loan _____
Date: _____

BANDING

3 If this form reports the acquisition of a bird from the wild, the person who bands the bird must complete the information below:

Band Number: _____ Band Type: _____

I certify that the above statements are true and correct to the best of my knowledge. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.

Signature: _____ Date: _____

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INSTRUCTIONS

NOTE: Each individual fully completes a separate form

TRANSFER (PART 1) Transferor completes parts 1 and 2, retains white copy, and sends original and colored copies to U.S. Fish and Wildlife Service Regional Law Office which has responsibility for the State in which the permittee is located.

ACQUIRE (PART 2) Person acquiring bird completes part 2 and (part 1 or 3, if applicable), retains white copy, and sends original and colored copies to the U.S. Fish and Wildlife Service Regional Law Enforcement Office which has responsibility for the State in which the permittee is located.

BANDING (PART 3) Person banding the bird completes this part and parts 1 and/or 2 if bander transfers or acquires the bird, retains the white copy, and sends original and colored copies to the U.S. Fish and Wildlife Service Regional Law Enforcement Office which has responsibility for the State in which the permitted activity takes place.

AREAS OF RESPONSIBILITY AND OFFICE ADDRESSES

California, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Guam, the Marshall Islands, Northern Mariana Islands, and the Trust Territory of the Pacific Islands (District 1):
1002 N.E. Holladay St., Portland, OR 97232-4181, Telephone 503-231-6125

Arizona, New Mexico, Oklahoma and Texas (District 2):
P.O. Box 329, Albuquerque, NM 87103, Telephone 505-766-2091

Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin (District 3):
P.O. Box 45, Twin Cities, MN 55111, Telephone: 612-725-3530

Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands (District 4):
P.O. Box 4839, Atlanta, GA 30302, Telephone 404-331-5872

Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia (District 5):
P.O. Box 129, New Town Branch, Boston, MA 02258, Telephone 617-965-2298

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Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming (District 6):
P.O. Box 25486, Denver Federal Center, Denver, CO 80225, Telephone 303-236-7540

Alaska (District 7):
P.O. Box 92597, Anchorage, AK 99509-2597, Telephone 907-786-3311

Any foreign country (Washington Office):
P.O. Box 3247, Arlington, VA 22203-3247, Telephone 703-358-1949
Migratory Bird Acquisition and Disposition Report

NOTICE:

In accordance with the Privacy Act of 1974 (Pub. L. 93-579) and the Paperwork Reduction Act (Pub. L. 96-511), please be advised that

1. The gathering of information on fish and wildlife is authorized by:

(a) Migratory Bird Treaty Act (16 U.S.C. 703-712)

(b) Part 13 of Title 50 of the Code of Federal Regulations, and

(c) Part 21 of Title 50 of the Code of Federal Regulations.

2. The disclosure of the requested information is required in order to administer permits under the above Act. Response to this request is required to exercise benefits of a permit issued by the U.S. Fish and Wildlife Service. Failure to disclose all of the requested information may be sufficient cause for the U.S. Fish and Wildlife Service to suspend or revoke your permit.

3. In the event there is indicated a violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, the requested information may be transferred to the appropriate Federal, State, local or foreign agency charged with investigating or prosecuting such violations.

4. In the event of litigation involving the records or the subject matter of the records, the requested information may be transferred to the U.S. Department of Justice.

5. The requested information may be subject to disclosure under provisions of the Freedom of Information Act (5 U.S.C. 552)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

6. Public reporting burden for this form is estimated to be 10 minutes per response including time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to the Service Information Collection Clearance Officer, Fish and Wildlife Service, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240, and the Office of Management and Budget, Paperwork Reduction Act Project (1018-0022), Washington, D.C. 20503.

(Source: Added at 14 Ill. Reg. 6088, effective April 17, 1990)

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NOTICE OF ADOPTED RULES

- 1) HEADING OF THE PART: Illinois Bicycle Path Grant Program
- 2) CODE CITATION: 17 Ill. Adm. Code 3040
- 3) SECTION NUMBERS:
- | | |
|-----------------|-------------|
| 3040.10 | New Section |
| 3040.20 | New Section |
| 3040.30 | New Section |
| 3040.40 | New Section |
| 3040.50 | New Section |
| 3040.60 | New Section |
| 3040.70 | New Section |
| 3040.80 | New Section |
| 3040.APPENDIX A | New Section |
- ADOPTED ACTION:
- 4) STATUTORY AUTHORITY: Implementing and authorized by Section 63a36 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 63a36) and Section 3-821 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-821).
- 5) EFFECTIVE DATE OF RULES: April 17, 1990
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE RULES CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: April 10, 1990
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: January 12, 1990, 14 Ill. Reg. 442
- 10) HAS JCER ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:
- In Section 3040.10, following "facilities" the following was added "(such as signs, drinking water, rest rooms)".
- In Section 3040.40(a), at the end of the first sentence, the following was added "Department of Conservation (Department)".
- In Section 3040.40(b)(2)(d), the semi-colon was removed.
- In Section 3040.50(a) ", but not limited to," was removed.
- In Section 3040.50(a)(1) "approved by the Department" was removed; and at the end of the paragraph the following was

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added "to assure the land lease is not rescinded prior to the terms of the amortization schedule in the project agreement being fulfilled. For example: statutory limitations prevent longer than five year lease, but lease is automatically renewable."

In Section 3040.60 "(see APPENDIX A)" was added at the end of the paragraph.

In Section 3040.70(a), "considered" in the third sentence was changed to "granted".

In Section 3040.70(c), following the first sentence "(see Section 3040.50(a)(1))" was added; ", upon request," was removed and at the end of the paragraph "(Ill. Rev. Stat. 1987, ch. 111, par. 6505)" was added.

In Section 3040.70(d), "into a standard State contract agreement" was changed to "into an agreement".

In Section 3040.70(g), the second sentence was changed to read "The required sign will be provided or specifications for its construction will be furnished by the Department upon grantee's request."

In Section 3040.70(h)(4) "to the satisfaction of" was removed, the "with" after "bonds(s)" was removed and a colon was placed after "bond(s)".

In Section 3040.70(h)(5), the comma following "evidence of insurance" was changed to a colon.

In Section 3040.70(k), the name of the Act was changed to read "Campground Licensing and Recreational Area Act" and a citation was added following the Act "(Ill. Rev. Stat. 1987, ch. 111 1/2, par. 761, et seq.)".

In Section 3040.70(l)(5), "program regulations" was replaced with "this Part".

In Section 3040.70(l)(6), the second sentence was removed.

In Section 3040.70(n), "may" was changed to "will" in line 1.

In Section 3040.70(n)(2), at the end of the paragraph the following was added "(e.g., statutory changes, acts of God)".

In Section 3040.70(n)(5), at the end of the paragraph, the

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following was added: "(see subsection (a))".

An APPENDIX A - Project Evaluation Criteria - was added to the Part.

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE RULES REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF RULES: Public Act 86-0466 amended Ill. Rev. Stat. 1987, ch. 127, par. 63a36 to provide funding for a grant program to acquire and develop bike paths. Staff in the Grants division developed this administrative rule to guide the program.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED RULES SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED RULES BEGINS ON THE NEXT PAGE:

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NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER g: GRANTS

PART 3040

ILLINOIS BICYCLE PATH GRANT PROGRAM

Section	Program Objectives
3040.10	Eligibility Requirements
3040.20	Assistance Formula
3040.30	General Procedures for Grant Applications and Awards
3040.40	Eligible Project Costs
3040.50	Project Evaluation Priorities
3040.60	Program Compliance Requirements
3040.70	Program Information/Contact
3040.80	Project Evaluation Criteria
APPENDIX A	

AUTHORITY: Implementing and authorized by Section 63a36 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 63a36) and Section 3-821 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-821).

SOURCE: Adopted at 14 Ill. Reg. 6106, effective April 17, 1990.

Section 3040.10 Program Objectives

The purpose of the program is to provide financial assistance to eligible local units of government to assist them in the acquisition, construction, and rehabilitation of public non-motorized bicycle paths and directly related facilities (such as signs, drinking water, rest rooms) in Illinois.

Section 3040.20 Eligibility Requirements

Agencies eligible for assistance under the grant program are any units of local government with statutory authority to acquire, develop and maintain lands for bicycle trail purposes. This includes, but is not limited to, counties, townships, municipalities, park districts, conservation districts and forest preserve districts.

Section 3040.30 Assistance Formula

The grant program shall operate on a reimbursement basis providing up to a maximum of 50% funding assistance on total approved project costs. Maximum grant awards for development projects shall be

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limited to \$200,000 per request. No grant limit is established for acquisition projects.

Section 3040.40 General Procedures for Grant Applications and Awards

a) Grant applications for funding assistance under this program must be submitted in accordance with schedules to be publicly announced annually by the Department of Conservation (Department). Necessary application forms and instructions are available through the Department. Awarding of grants will be on a competitive basis and will be made under the authority of the Director of the Department of Conservation.

b) Project grant applications shall consist of the following basic components:

1) Acquisition Project

A) completed application forms;

B) project narrative statement describing the project concept, location, need for and objectives of the project, anticipated benefits and method of financing or accomplishing the project;

C) project location map and plat map of area;

D) future site development plan; and

E) environmental evaluation.

2) Development Project

A) completed application forms;

B) itemized development cost estimates for each project component;

C) project narrative statement describing the project concept, location, need for and objectives of the project, anticipated benefits and method of financing or accomplishing the project;

D) project location map and plat map;

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- E) site development plan;
- F) environmental/archaeological evaluation (new construction only); and
- G) proof of land ownership or usage rights.

c) A project application packet may be obtained from the Division of Technical Services, Grants Section, Illinois Department of Conservation, 524 S. Second Street, Springfield, IL 62701-1787. Telephone 217/782-7481

Section 3040.50 Eligible Project Costs

a) Grant assistance may be obtained for the following items:

- 1) Land acquisition costs (fee simple title, permanent easement or long-term lease) for bicycle paths, including associated appraisal costs. For acquisition of less than fee simple title or permanent easement, such as a lease agreement, the agreement must cover a minimum time period of 25 years. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the local unit of government prohibit such arrangements to assure the land lease is not rescinded prior to the terms of the amortization schedule in the project agreement being fulfilled. For example: statutory language limitations prevent longer than five year lease, but lease is automatically renewable.

- 2) Bicycle path development costs including, but not necessarily limited to, site clearing and grading, surfacing, drainage, bridging, access control devices, fencing, signs and associated support facilities such as parking areas, access roads, shelters, restrooms, safety lighting, potable water supply and other directly related bicycling support facilities. Architectural/engineering services deemed necessary for the proper design and construction of project bicycle paths are also considered eligible development costs.

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- b) No grant awards shall be awarded for the acquisition or development of land which will not be available for public bicycling use.

Section 3040.60 Project Evaluation Priorities

The following factors are used by the Department in evaluating and recommending project applications for funding assistance consideration (see APPENDIX A):

- a) projects providing land acquisition or long-term/permanent easements;
- b) projects providing the development of a bicycle trail system, especially well-developed long distance trails or connector trails linking several existing trails;
- c) projects located in areas of high demand or readily accessible to major population centers;
- d) projects proposing initial development of bicycling facilities at the project site;
- e) projects where long-term operations and maintenance capability is clearly demonstrated by local Sponsor;
- f) projects specifically identified or supported by State, Regional or local bicycle trail planning initiatives/documents developed through broad-based public input; and
- g) project site physical characteristics/attributes including scenic quality; associated natural and cultural resources; environmental suitability; safety factors; adjacent land use compatibility and available trail user amenities such as adequate parking, restrooms, drinking water, etc.

Section 3040.70 Program Compliance Requirements

- a) Any property acquired or developed through assistance from the Illinois Bicycle Path Grant Program must be open to the general public for bicycle use. Property acquired or developed with program assistance may not be converted to a use which would deny bicycle use as provided by terms of the Project Agreement without prior Department approval. Approval for property conversion will be granted only if the project sponsor substitutes

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replacement property equal in fair market value and comparable in bicycling usefulness, quality and location.

- b) For projects receiving acquisition assistance, two appraisals must be provided by the sponsoring agency and submitted to the Department for review and certification. The appraisals must be completed to Departmental specifications. Title to any property for which grant reimbursement is sought cannot be taken by the sponsoring agency before Departmental approval of Certified Fair Market Value for the property is received.

- c) For projects receiving development assistance, the sponsoring agency must possess either fee simple title or a permanent easement to the property being improved or an approved lease arrangement of at least 25 years. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the local unit of government prohibit such arrangements (see Section 3040.50(a)(1)). The sponsor must also adhere to applicable state and local procurement requirements and make available to the Department all working plans, specifications, contract documents and cost estimates for review prior to commencing work. The format for any advertisement or prospectus soliciting and inviting bids, indicating dates of same, must also be presented, upon request, to the Department for review prior to publication. The Department will notify the project sponsor if the proposed project requires approval from a registered structural engineer. (Ill. Rev. Stat. 1987, ch. 111, par. 6506)

- d) The local sponsoring agency is required to enter into an agreement with the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant reimbursement amount and program compliance regulations.

- e) Upon project completion, the project sponsor must submit a certified project billing form (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:

- 1) ACQUISITION PROJECT: Copy of the signed Statement

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of Just Compensation/Offer to Purchase Form, Warranty Deed (Judgement Order in case of condemnation) for property, and copies of cancelled check(s) showing proof of payment to seller.

- 2) DEVELOPMENT PROJECTS: Copy of As-Built drawings (no larger than 11" x 17"), copy of receipts/invoices for project costs, and copies of cancelled checks showing proof of payment.

- f) Financial records on approved projects must be maintained and retained by the project sponsor for possible State audit for a period of three years after final reimbursement payment is made by the Department.

- g) The sponsoring agency must permanently post a Bicycle Path Grant Program acknowledgement sign at the project site where grant assistance is involved. The required sign will be provided or specifications for its construction will be furnished by the Department upon grantee's request.

- h) The sponsoring agency shall insert, as an integral part of any contract with the approved project bidder, the following provisions:

- 1) That the contractor must abide by and comply with all applicable local and State laws relating to fair employment practices and prohibiting unlawful discrimination in employment contracts involving public funds, the construction or development of public buildings, works or facilities.

- 2) That the contractor must comply with and be bound by any applicable local and State laws in any manner pertaining or relating to wages and claims of laborers, mechanics and other workers, agents, or servants in any manner employed in connection with contracts involving public funds or the development or construction of public works, buildings or facilities.

- 3) That the contractor must abide by and comport with all applicable local and State laws relating or pertaining to the development and/or construction of public works, buildings, or facilities, including but not limited to, any and all applicable worker's compensation acts or laws.

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4) That the contractor shall provide and furnish the sponsoring agency and the Department, if requested, good and sufficient performance bond(s): adequate surety or sureties, with applicable penalty or loss clauses concerning or relating to the construction of the proposed facilities and any losses, costs or damages arising out of, or by virtue of, said construction by the contractor of the specified bicycle facilities and which insures, benefits and protects the sponsoring agency and the Department.

5) That the contractor shall personally and individually agree and covenant, and shall furnish and provide sufficient evidence of insurance: to indemnify, protect, defend at its own cost, and hold harmless the sponsoring agency and the Department from and against all losses, damages, injuries, costs, expenses or claims thereof to or by persons or property arising out of, through, under or by virtue of the construction and development of the specified bicycle path facilities.

i) It shall be understood by the project sponsor that a Department representative may make periodic inspections of the project as construction progresses and that a final inspection and acceptance of the completed project must be made by a representative or agent of the Department prior to final payment of grant reimbursement to the local sponsoring agency.

j) The sponsoring agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of Program-assisted bicycle path facilities.

k) In connection with and prior to the construction, and thereafter the subsequent operation and maintenance of program-assisted bicycle facilities, it shall be understood that the project sponsor is responsible for obtaining any and all necessary permits, licenses or forms of consent, as the case may be, from, but not limited to, the agencies listed below. In addition, the sponsoring agency further agrees to comply with any applicable provisions of the Campground Licensing and Recreational Area Act (Ill. Rev. Stat. 1987, ch. 111 1/2,

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par. 761 et seq.), administered by the Illinois Department of Public Health.

- 1) U.S. Army Corps of Engineers;
- 2) Illinois Department of Transportation;
- 3) Illinois Environmental Protection Agency;
- 4) Illinois State Historic Preservation Agency; and
- 5) Local building or zoning agencies or boards, where applicable.

1) The sponsoring agency must comply with and abide by the following operation and maintenance provisions:

1) All bicycle facilities financed with funds from this grant program shall be continuously operated and maintained by the sponsoring agency at no cost to the Department and shall be operated and utilized in such a manner as to maximize the intended benefits to and for the general public.

2) The sponsoring agency shall satisfactorily maintain Program-assisted bicycle path facilities so as to promote the safe and enjoyable usage of the facility by the public.

3) All bicycle path facilities financed with funds from this grant program shall be open to the public for use and enjoyment without regard to race, color, disability, creed or national origin. No lessee or licensee of an area under a lease or license providing for a public or quasi-public use and no concessionaire of a lessee or licensee providing a service to the public, including facilities and accommodations, shall unlawfully discriminate against any person or persons because of race, color, disability, creed, or national origin in the conduct of its operation under the lease, license or concession agreement.

4) The charging of fees for general public use of bicycle path facilities financed with funds from this grant program is strongly discouraged. However, if it is deemed necessary by the sponsoring agency that fees must be levied for use of these

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facilities, the sponsoring agency shall:

- A) receive prior approval from the Department for scheduled fees to be charged;
- B) clearly document that existing agency operation and maintenance budget is not sufficient to cover the added cost of properly operating and maintaining the project facility; and
- C) deposit all fees in a separate account to be used for maintenance of and improvement to the program-assisted facility only.

5) The Department shall have access to Program-assisted facilities at all times for inspection purposes to ensure project sponsor's continued compliance with this Part.

6) The sponsoring agency may enter into a contract or agreement with responsible concessionaires to operate and/or construct bicycle rental facilities, for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring agency. Any and all concession revenue in excess of the costs of operation and maintenance of Program-assisted bicycle facilities shall be used for the improvement of said facilities or similar public bicycling facilities in nearby areas.

7) All sub-leases or licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the bicycle path facility for the benefit of the general public shall be submitted to the Department, upon request, for its approval prior to said sub-lease or license being entered into or granted by the sponsoring agency.

m) Conflict of Interests

- 1) No official or employee of the local political subdivision who is authorized in his official capacity to negotiate, make, accept, or approve or to take part in such decisions regarding a contract or subcontract in connection with an approved bicycle path grant project shall have any financial or other personal interest in any such contract or

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subcontract.

- 2) No person performing services for the local political subdivision in connection with an approved bicycle path grant project shall have a financial or other personal interest other than his employment or retention by that local political subdivision in any contract or subcontract in connection with an approved bicycle path grant project. No officer or employee of such person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved bicycle path grant project unless such interest is openly disclosed upon the public records of the local political subdivision and such officer, employee or person has not participated in the acquisition for or on behalf of the local political subdivision.

n) Program Violations and Project Termination

- 1) The State will unilaterally rescind project agreements at any time prior to the commencement of the project in the event that State funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified or amended only by mutual agreement with the local political subdivision. A project shall be deemed to be commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.

- 2) Failure by the local sponsoring agency to comply with any of the above cited Program terms shall be cause for the suspension of all grant assistance obligations thereunder, unless, in the judgement of the Department, such failure was due to no fault of the local sponsoring agency (e.g., statutory changes, acts of God).

- 3) Land acquired with funding assistance from the Illinois Bicycle Path Grant Program shall be operated and maintained in perpetuity, for public bicycle path and recreation use.

- 4) For development projects only, terms of the contractual agreement between the local agency and the Department, under the Illinois Bicycle Path

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Grant Program, shall no longer apply after the time period established below relating to the total amount of grant funds expended to aid the facility:

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TOTAL GRANT AWARD
TIME PERIOD AFTER
FINAL PROJECT BILLING

0 - \$50,000

5 years

for every \$10,000
increment over \$50,000

add 1 year

- 5) Conversion of property acquired or developed with assistance from the Illinois Bicycle Path Grant Program from public recreation and bicycle path use shall result in the local sponsoring agency being held liable for replacing the converted property with comparable facilities as deemed acceptable by the Department (see subsection (a)).

Section 3040.80

Program Information/Contact

For information on the Illinois Bicycle Path Grant Program, contact:

Illinois Department of Conservation
Division of Technical Services, Grants Section
Lincoln Tower Plaza
524 South Second Street
Springfield, IL 62701-1787
Telephone: 217/782-7481

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Section 3040.APPENDIX A Project Evaluation Criteria

NEED - 35%

Population served (proximity to high population areas)

Project of National, State, Regional or Local Significance

General - first trail in service area

Major expansion to existing trail system or significant additional trail in service area

Vital link between existing major trail systems

Addresses major safety issue

Identified in Trail Plan - State, Regional or Local Trail Plan (consideration also given to unique situations having public support, but no plan)

PHYSICAL CHARACTERISTICS OF TRAIL - 45%

Overall trail length as well as specific project trail length

Environmental factors/trail attributes

Scenic quality

Connect with other recreational areas, schools

Unique cultural/natural resources along trail

Adjacent land uses compatible

Development problems associated with trail (negative)

Safety hazards (negative)

Multiple use (equestrian, snowmobiling) bonus

User amenities available (restrooms, water, etc.)

Continuity of trail ROW

Access to trail (convenient - remote)

Other trail user amenities/opportunities (picnic,

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camping, shopping, etc.)

DEVELOPMENT - 3%

ABILITY TO MAINTAIN - 5%

OTHER CONSIDERATIONS/FACTORS - 12%

(land donation, serves minority population, governmental coop, safety concerns, economic/tourism)

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NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Illinois List of Endangered and Threatened Flora

2) CODE CITATION: 17 Ill. Adm. Code 1050

3) SECTION NUMBERS: ADOPTED ACTION:

1050.30 Amendments
1050.40 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 337).

5) EFFECTIVE DATE OF AMENDMENTS: April 17, 1990

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: April 13, 1990

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: January 12, 1990, 14 Ill. Reg. 455

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: At its 67th meeting on November 17, 1989, the Illinois Endangered Species Protection Board adopted changes to the Illinois List of Endangered and Threatened Flora. These changes were approved following review of scientific evidence and a public hearing, as required by the Illinois Endangered Species Protection Act. Finalization of these changes on the official State list requires that the Department of Conservation prepare an Administrative Rule amendment to Part 1050 showing those changes adopted by the Board.

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16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER C: ENDANGERED SPECIES

PART 1050

ILLINOIS LIST OF ENDANGERED AND THREATENED FLORA

Section
1050.10 Official List
1050.20 Definitions
1050.25 Criteria Used For Listing
1050.30 Endangered Flora of Illinois
1050.40 Threatened Flora of Illinois

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 337).

SOURCE: Adopted at 4 Ill. Reg. 22, p. 209; effective May 20, 1980 unless otherwise noted; amended at 5 Ill. Reg. 10293, effective September 30, 1981; codified at 6 Ill. Reg. 2593; amended at 8 Ill. Reg. 13713, effective July 25, 1984; amended at 13 Ill. Reg. 3755, effective March 13, 1989; amended at 14 Ill. Reg. 6123, effective Apr 17, 1990

Section 1050.30 Endangered Flora of Illinois

SCIENTIFIC NAME COMMON NAME

EQUISETACEAE

Equisetum pratense Meadow Horsetail
Equisetum scirpoides Dwarf Scouring Rush
Equisetum sylvaticum Horsetail

LYCOPODIACEAE

Lycopodium clavatum Running Pine
Lycopodium dendroideum Ground Pine
Lycopodium inundatum Bog Clubmoss

OPHTIOGLOSSACEAE

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Botrychium biternatum Southern Grape Fern
Botrychium matricariaefolium Daisyleaf Grape Fern
Botrychium simplex Dwarf Grape Fern

POLYPODIACEAE

Asplenium resiliens Black Spleenwort
Cystopteris laurentiana Fragile Fern
Dryopteris celsa Log Fern
Gymnocarpium dryopteris Oak Fern

Gymnocarpium robertianum

Thelypteris noveboracensis

Thelypteris phegopteris

Woodsia ilvensis

CUPRESSACEAE

Juniperus horizontalis

PINACEAE

Pinus banksiana Jack Pine
Pinus echinata Shortleaf Pine
Pinus resinosa Red Pine

ALISMATACEAE

Echinodorus tenellus Small Burhead
Sagittaria longirostris Arrowhead

ARACEAE

Calla palustris Water Arum

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BURMANNIACEAE

Thismia americana

Thismia

Sedge

COMMELINACEAE

Tradescantia bracteata

Prairie
Spiderwort

Sedge

CYPERACEAE

Carex alata

Winged Sedge

Sedge

~~Carex atherodes~~

Sedge

Sedge

Carex aurea

Golden Sedge

Sedge

Carex austrina

Sedge

Sedge

Carex brunnescens

Sedge

Sedge

Carex canescens var. disjunctaSedge

Willdenow's Sedge

Carex chordorrhizaSedge

Sedge

Carex communis

Sedge

Sedge

Carex decomposita

Sedge

Cyperus lancastrensis

Galingale

Carex disperma

Sedge

Eleocharis olivacea

Spikerush

Carex echinataSedge~~Eleocharis parvula~~~~Spikerush~~

Carex garberi

Sedge

Eleocharis pauciflora

Spikerush

Carex gigantea

Sedge

Eriophorum virginicum

Rusty
Grass

Carex intumescens

Swollen Sedge

Eriophorum viridi-carinatum

Tall Cotton Grass

Carex laxiculmis

Sedge

Fimbristylis annua

Baldwin's
Fimbristylis

Carex nigromarginata

Sedge

Fimbristylis vahlil

Vahl's
Fimbristylis

Carex oligosperma

Sedge

~~Puzosia eelpetides~~~~umbrella-Grass~~

Carex oxylepis

Sedge

Mottled

Carex pallescens

Sedge

Lipocarpus maculata

Lipocarpus

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

Rhynchospora globularis	Grass Beak Rush
Rhynchospora glomerata	Beak Rush
Scirpus cespitosus	Tufted Bulrush
Scirpus hallii	Bulrush
Scirpus hattorianus	Bulrush
Scirpus paludosus	Alkali Bulrush
Scirpus purshianus	Weak Bulrush
Scirpus smithii	Bulrush
Scirpus torreyi	Bulrush
Scirpus verecundus	Bulrush
Scieria reticulata <u>muhlenbergii</u>	Netted Nut Rush
IRIDACEAE	
Sisyrinchium atlanticum	Eastern Blue-eyed Grass
Sisyrinchium montanum	Mountain Blue-eyed Grass
JUNCACEAE	
Juncus alpinus	Richardson's Rush
Juncus vaseyi	Vasey's Rush
Luzula acuminata	Hairy Woodrush
JUNCAGINACEAE	
Scheuchzeria palustris	Arrow Grass
Triglochin maritima	Common Bog Arrow Grass
Triglochin palustris	Slender Bog Arrow Grass

DEPARTMENT OF CONSERVATION
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LILIACEAE	
Camassia angusta	Wild Hyacinth
Erythronium mesochoreum	White Dog-tooth Violet
Lilium superbum	Turk's Cap Lily
Medeola virginiana	Indian Cucumber Root
Trillium cernuum	Nodding Trillium
Trillium cuneatum	Trillium
Trillium erectum	Ill-scented Trillium
Zigadenus glaucus	White Camass
MARANTACEAE	
Thalia dealbata	Powdery Thalia
ORCHIDACEAE	
Cypripedium acaule	Moccasin Flower
Cypripedium calceolus var. parviflorum	Small Yellow Lady's Slipper
Cypripedium candidum	White Lady's Slipper
Cypripedium reginae	Showy Lady's Slipper
Habenaria ciliaris	Orange Fringed Orchid
Habenaria clavellata	Wood Orchid
Habenaria flava var. flava	Tuberclad Orchid
Habenaria leucophaea	Prairie White

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Habenaria pycnodes
Fringed Orchid

Hexalectris spicata
Purple Fringed Orchid

Isotria medeoloides**
Crested Coralroot Orchid

Isotria verticillata
Small Whorled Pogonia

Pogonia ophioglossoides
Whorled Pogonia

Spiranthes lucida
Snake-mouth

Spiranthes romanzoffiana
Yellow-lipped Ladies' Tresses

Spiranthes vernalis
Hooded Ladies' Tresses

Agropyron subsecundum
Spring Ladies' Tresses

Ammophila breviligulata
Bearded Wheat Grass

Beckmannia syzigachne
Marram Grass

Glyceria arkansana
American Slough Grass

Glyceria borealis
Manna Grass

Glyceria canadensis
Northern Manna Grass

Gymnopogon ambiguus
Rattlesnake Grass

Leptochloa panicoides
Beard Grass

Milium effusum
Salt Meadow Grass

Panicum boreale
Millet Grass

Panicum panicum
Northern Panic

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Panicum columbianum
Grass

Panicum joorii
Hemlock Panic Grass

Panicum longifolium
Panic Grass

~~Panicum nitidum~~
Long-leaved Panic Grass

Panicum ravenelii
Panic Grass

Panicum stipitatum
Panic Grass

Panicum yadkinense
Panic Grass

Paspalum bushii
Hairy Bead Grass

Paspalum dissectum
Bead Grass

Poa alsodes
Grove Bluegrass

Poa autumnalis
Bluegrass

Poa languida
Weak Bluegrass

Poa wolfii
Wolf's Bluegrass

Puccinellia pallida
Grass

Schizachne purpurascens
False Melic Grass

PONTEDERIAACEAE

Heteranthera reniformis
Mud Plantain

POTAMOGETONACEAE

Potamogeton gramineus
Grass-leaved Pondweed

Potamogeton praelongus
White-stemmed Pondweed

Potamogeton pulcher
Spotted Pondweed

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Potamogeton robbinsii
Potamogeton strictifolius
Potamogeton vaseyi

SPARGANIACEAE

Sparganium americanum
Sparganium chlorocarpum

ACANTHACEAE

Justicia ovata

ADOXACEAE

Adoxa moschatellina

AMARANTHACEAE

Iresine rhizomatosa

APIACEAE

Conioselinum chinense

Cynosciadium digitatum

~~Beuere-paeilius~~

Eryngium prostratum

Hydrocotyle ranunculoides

Ptilimnium costatum

Ptilimnium nuttallii

ASCLEPIADACEAE

Asclepias lanuginosa

Asclepias meadii*

Fern Pondweed
Stiff Pondweed
Vasey's Pondweed

American Burrweed
Green-fruited
Burrweed

Water Willow

Moschatel

Bloodleaf

Hemlock Parsley

Cynosciadium

~~Small Wild-Carrot~~

Eryngo

Water-pennywort

Mock Bishop's
Weed

Mock Bishop's
Weed

Woolly Milkweed

Mead's Milkweed

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Asclepias ovalifolia
Matelea decipiens

ASTERACEAE

Bidens beckii

Eupatorium incarnatum

Helianthus giganteus

Hymenoxys acaulis var. glabra*

Lactuca hirsuta

Lactuca ludoviciana

Melanchthera nivea

Microseris cuspidata

Rudbeckia missouriensis

Silphium trifoliatum

Solidago arguta (sensu lato:
incl. S. strigosa & S. bootii)

BERBERIDACEAE

Berberis canadensis

BETULACEAE

Alnus rugosa

Betula alleghaniensis

Betula populifolia

BORAGINACEAE

Hackelia americana

Oval Milkweed
Climbing Milkweed

Water Marigold

Thoroughwort

Tall Sunflower

Lakeside Daisy

Wild Lettuce

Western Wild
Lettuce

White Melanchthera

Prairie Dandelion

Missouri Orange
Coneflower

Rosinweed

Goldenrod

Allegheny
Barberry

Speckled Alder

Yellow Birch

Gray Birch

Stickseed

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Heliotropium tenellum

BRASSICACEAE

Cardamine pratensis var.
palustris

Draba cuneifolia

Lesquerella ludoviciana

Rorippa islandica subsp. hispid

~~Rorippa truncata~~

CACTACEAE

Opuntia fragilis

CAPPARIDACEAE

Polanisia jamesii

CAPRIFOLIACEAE

Lonicera dioica var. glaucescens

Viburnum molle

CARYOPHYLLACEAE

Silene regia

Stellaria pubera

CISTACEAE

Hudsonia tomentosa

Lechea intermedia

CLUSIACEAE

Hypericum adpressum

Slender
Heliotrope

Cuckoo Flower

Whitlow Grass

Silvery
BladderpodHairy Marsh
Yellow Cress~~Yellow-Cress~~

Prickly Pear

James' Clammyweed

Red Honeysuckle

Arrowwood

Royal Catchfly

Great Chickweed

False Heather

Pinweed

Shore St. John's

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~~Hypericum boreale~~

Wort

~~Northern—St.
John's Wort~~

Hypericum densiflorum

St. John's Wort

Hypericum kalmianum

Kalm's St. John's
Wort

Triadenum virginicum

Marsh St. John's
Wort

CORNACEAE

Cornus canadensis

Bunchberry

CORYLACEAE

Corylus cornuta

Beaked Hazelnut

CUCURBITACEAE

Melothria pendula

Squirting
Cucumber

DROSERACEAE

Drosera rotundifolia

Round-leaved
Sundew

ELAEAGNACEAE

Shepherdia canadensis

Buffaloberry

ERICACEAE

Arctostaphylos uva-ursi

Bearberry

Gaultheria procumbens

Wintergreen

Vaccinium corymbosum

Highbush
Blueberry

Vaccinium macrocarpon

Large Cranberry

Vaccinium oxycoccos

Small Cranberry

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Vaccinium stamineum

Deerberry

EUPHORBIACEAE

Chamaesyce polygonifolia

Seaside Spurge

Euphorbia spathulata

Spurge

FABACEAE

Amorpha nitens

Smooth False
Indigo

Apios priceana

Price's Groundnut

Astragalus crassicaarpus
var. trichocalyx

Large Ground Plum

Astragalus tennesseensis

Tennessee Milk
Vetch

Cladrastis lutea

Yellowwood

Dioclea multiflora

Boykin's Dioclea

Lathyrus maritimus

Beach Pea

Lespedeza leptostachya*

Prairie Bush
Clover

Petalostemum foliosum

Leafy Prairie
Clover

Trifolium reflexum

Buffalo Clover

FAGACEAE

Castanea dentata

American Chestnut

Quercus nuttallii

Nuttall's Oak

GENTIANACEAE

Bartonia paniculata

Screwstem

Sabatia campestris

Prairie Rose
Gentian

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GERANIACEAE

Geranium bicknellii

N o r t h e r n
Cranesbill

HYDROPHYLLACEAE

Hydrolea uniflora

One-flowered
Hydrolea

Phacelia gilliioides

Phacelia

JUGLANDACEAE

Carya pallida

Pale Hickory

LAMIAEAE

Pycnanthemum albescens

White Mountain
Mint

Pycnanthemum torrei

Mountain Mint

Synandra hispidula

Hairy Synandra

LENTIBULARIACEAE

Utricularia cornuta

Horned
Bladderwort

Utricularia intermedia

Flat-leaved
Bladderwort

Utricularia minor

Small Bladderwort

MALVACEAE

Iliamna remota

Kankakee Mallow

Sphaeralcea angusta

Globe Mallow

MYRICACEAE

Comptonia peregrina

Sweetfern

NYCTAGINACEAE

Mirabilis hirsuta

Hairy

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ONAGRACEAE

Circaea alpina

Oenothera perennis

OROBANCHACEAE

Orobancha fasciculata

Orobancha ludoviciana

OXALIDACEAE

Oxalis illinoensis

PAPAVERACEAE

Corydalis aurea

Corydalis halei

Corydalis sempervirens

PLANTAGINACEAE

Plantago cordata

POLEMONIACEAE

Phlox pilosa subsp.
sangamonensis

POLYGALACEAE

Polygala incarnata

POLYGONACEAE

Polygonum arifolium

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Polygonum careyi

Carey's
Heartsease
Smartweed

Polygonum-bicorne

Rumex hastatulus

Sour Dock

PORTULACACEAE

Talinum calycinum

Fameflower

PRIMULACEAE

Lysimachia fraseri

Loosestrife

Lysimachia radicans

Creeping
Loosestrife

Primula mistassinica

Bird's-eye
Primrose

PYROLACEAE

Chimaphila maculata

Spotted
Wintergreen

Chimaphila umbellata

Pipsissewa

Pyrola americana

Round-leaved
Shinleaf

RANUNCULACEAE

Cimicifuga americana

American Bugbane

Cimicifuga racemosa

False Bugbane

Clematis crispa

Blue Jasmine

Clematis occidentalis

Mountain Clematis

Clematis viorna

Leatherflower

Ranunculus cymbalaria

Seaside Crowfoot

RHAMNACEAE

Berchemia scandens

Supple-jack

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Ceanothus ovatus	Redroot
Rhamnus alnifolia	Alder Buckthorn
ROSACEAE	
Amelanchier interior	Shadbush
Amelanchier sanguinea	Shadbush
Malus angustifolia	Narrow-leaved Crabapple
Potentilla millegrana	Cinquefoil
Rosa acicularis	Rose
Rubus enslenii	Arching Dewberry
Rubus odoratus	Purple-flowering Raspberry
Rubus setosus	Bristly Blackberry
Sanguisorba canadensis	American Burnet
Sorbus americana	American Mountain Ash
Waldsteinia fragarioides	Barren Strawberry
RUBIACEAE	
Galium virgatum	Dwarf Bedstraw
SALICACEAE	
Populus balsamifera	Balsam Poplar
Salix sericea	Autumn Willow
Salix syrticola	Dune Willow
SAPOTACEAE	
Bumelia lanuginosa	Wooly Buckthorn

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SARRACENIACEAE	
Sarracenia purpurea	Pitcher Plant
SAXIFRAGACEAE	
Ribes hirtellum	Northern Gooseberry
Saxifraga virginensis	Early Saxifrage
SCROPHULARIACEAE	
Castilleja sessiliflora	Downy Yellow Painted Cup
Collinsia violacea	Violet Collinsia
Melampyrum lineare	Cow Wheat
Mimulus glabratus	Yellow Monkey Flower
Penstemon brevisepalus	Short-sepal Beard Tongue
Penstemon grandiflorus	Large-flowered Beard Tongue
Veronica americana	American Brooklime
STYRACACEAE	
Halesia carolina	Silverbell Tree
Styrax grandifolia	Bigleaf Snowbell Bush
TILIACEAE	
Tilia heterophylla	White Basswood
ULMACEAE	
Planera aquatica	Water Elm

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Ulmus thomasii	Rock Elm
URTICACEAE	
Urtica chamaedryoides	Nettle
VALERIANACEAE	
Valeriana uliginosa	Marsh Valerian
Valerianella chenopodifolia	Corn Salad
Valerianella intermedia	Corn Salad
Valerianella umbilicata	Corn Salad
VIOLACEAE	
Viola canadensis	Canada Violet
Viola incognita	Hairy White Violet
Viola primulifolia	Primrose Violet
Viola viarum	Plains Violet
(Source: Amended at 14 Ill. Reg. 6123, effective April 17, 1990)	

Section 1050.40 Threatened Flora of Illinois

SCIENTIFIC NAME	COMMON NAME
OPHIOGLOSSACEAE	
Botrychium multifidum	Northern Grape Fern
POLYPODIACEAE	
Asplenium bradleyi	Bradley's Spleenwort
Dennstaedtia punctilobula	Hay-scented Fern
CUPRESSACEAE	

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Juniperus communis	Ground Juniper
Thuja occidentalis	Arbor Vitae
PINACEAE	
Larix laricina	Tamarack
CYPERACEAE	
Carex atherodes	Sedge
Carex crawei	Sedge
Cyperus grayioides	Umbrella Sedge (Galingale)
Eleocharis rostellata	Spike Rush
Rhynchospora alba	Beaked Rush
Scirpus polyphyllus	Bulrush
IRIDACEAE	
Iris fulva	Swamp Red Iris
LILIACEAE	
Polygonatum pubescens	Downy Solomon's Seal
Stenanthium gramineum	Grass-leaved Lily
Tofieldia glutinosa	False Asphodel
Trillium viride	Green Trillium
Veratrum woodii	False Hellebore
ORCHIDACEAE	
Calopogon tuberosus	Grass Pink Orchid
Corallorhiza maculata	Spotted Coral-root Orchid

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NOTICE OF ADOPTED AMENDMENTS

Habenaria flava var. herbiola

POACEAE

Oryzopsis racemosa

ARISTOLOCHACEAE

Aristolochia serpentaria
var. hastata

ASCLEPIADACEAE

Asclepias stenophylla

Matelea obliqua

ASTERACEAE

Artemisia dracunculus

Aster furcatus

Aster schreberi

Aster undulatus

Boltonia decurrens

Cirsium carolinianum

Cirsium pitcheri*

Helianthus angustifolius

Liatris scariosa
var. nieuwlandii

Solidago sciaphila

BRASSICACEAE

Cakile edentula

Sea Rocket

Tubercled Orchid

Rice Grass

Virginia
SnakerootNarrow-leaved
Green Milkweed

Climbing Milkweed

False Tarragon

Forked Aster

Schreber's Aster

Aster

False Aster

Carolina Thistle

Pitcher's (Dune)
ThistleNarrow-leaved
Sunflower

Blazing Star

Cliff Goldenrod

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CAPRIFOLIACEAE

Lonicera flava

Yellow
Honeysuckle

Sambucus pubens

Red-berried Elder

CARYOPHYLLACEAE

Arenaria patula

Slender Sandwort

CELASTRACEAE

Euonymus americanus

Strawberry Bush

CONVOLVULACEAE

Stylisma pickeringii

Patterson
Bindweed

DROSERACEAE

Drosera intermedia

Narrow-leaved
Sundew

ERICACEAE

Chamaedaphne calyculata

Leatherleaf

FABACEAE

Lathyrus ochroleucus

Pale Vetchling

FAGACEAE

Quercus phellos

Willow Oak

Quercus prinus

Rock Chestnut Oak

LAMIACEAE

Salvia azurea subsp. pitcheri

Blue Sage

RUBIACEAE

Polygatum-pubescens

Benny-Seedman's
Seat

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ONAGRACEAE

Epilobium strictum

Downy Willow Herb

PAPAVERACEAE

Corydalis curvisiliqua
var. *grandibracteata*

Corydalis

PRIMULACEAE

Trientalis borealis

Star-flower

RANUNCULACEAE

Ranunculus rhomboideus

Prairie Buttercup

ROSACEAE

*Filipendula rubra*Queen-of-the-
Prairie*Rubus pubescens*

Dwarf Raspberry

RUBIACEAE

Galium labradoricum

Bog Bedstraw

SAXIFRAGACEAE

Sullivantia renifolia

Sullivantia

SCROPHULARIACEAE

Besseyia bullii

Kittentails

*Tomanthera auriculata*Ear-leafed
Foxglove*Veronica scutellata*

Marsh Speedwell

STYRACACEAE

Styrax americana

Storax

VIOLACEAE

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS*Viola conspersa*

Dog Violet

(Source: Amended at 14 Ill. Reg. 6123, effective
April 17, 1990)

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NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Land and Water Conservation Fund Grant Program

2) CODE CITATION: 17 Ill. Adm. Code 3030

3) SECTION NUMBERS: ADOPTED ACTION:

3030.30
3030.40
3030.50

Amendments
Amendments
Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1 through 5 of "An Act relating to the planning, acquisition and development of outdoor recreation resources and facilities, and authorizing the participation by the State of Illinois, its political subdivisions and qualified participants in programs of Federal assistance relating thereto", (Ill. Rev. Stat. 1985, ch. 105, pars. 531-535) and implementing Title VI of the Federal Civil Rights Act of 1964 (43 CFR 17, 1983).

5) EFFECTIVE DATE OF AMENDMENTS: April 17, 1990

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: April 13, 1990

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: January 12, 1990, 14 Ill. Reg. 478

10) HAS JCER ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 3030.40(b), the paragraph was changed to read, in part "... proposed by nationally accepted standards published by the National Recreation and Park Association in Recreation Park and Open Spaces Standards and Guidelines (1983) and/or locally adopted standards. Recreational needs based upon project service area are also given consideration".

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCER BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCER? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: The proposed revisions to this Part reflect changes in required application documentation resulting from additional federal compliance regulations and local project evaluation criteria resulting from revisions to the Open Project Selection Process and State-wide recreation priorities in the newly adopted 1988-1993 SCORP.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER 9: GRANTSPART 3030
LAND AND WATER CONSERVATION FUND GRANT PROGRAM

Section
3030.10
3030.20
3030.30
3030.40
3030.50
3030.60

Statutory Bases of Grant Program
Eligibility
General Procedures for Grant Awards
Selection Criteria
Compliance Requirements
Land and Water Conservation Fund Information

AUTHORITY: Implementing and authorized by Sections 1 through 5 of "An Act relating to the planning, acquisition and development of outdoor recreation resources and facilities, and authorizing the participation by the State of Illinois, its political subdivisions and qualified participants in programs of Federal assistance relating thereto", (Ill. Rev. Stat. 1985, ch. 105, pars. 531-535) and implementing Title VI of the Federal Civil Rights Act of 1964 (43 CFR 17, 1983).

SOURCE: Adopted at 2 Ill. Reg. 45 p. 176, effective November 11, 1978; codified at 5 Ill. Reg. 10671, amended at 7 Ill. Reg. 8779, effective July 15, 1983; amended at 10 Ill. 13249, effective July 30, 1986; amended at 14 Ill. Reg. 6149, effective April 17, 1990.

Section 3030.30 General Procedures for Grant Awards

- a) The project applicant is required to submit an application for assistance to the Department of Conservation from July 1 to September 1 of each year for consideration under the subsequent (October 1st) federal fiscal year Land and Water Conservation Fund grant cycle.
- b) The project application consists of the following components which are described in detail in the Land and Water Conservation Fund Local Participation Manual which is available from the Department of Conservation upon request from local political subdivisions.

1) General Project Data

2) Acquisition Data

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3) Acquisition Certification (if applicable)

4) Resolution of Authorization

5) Development Data

6) Preliminary Relocation Plan

7) ~~Civil Rights Assurance~~ of Compliance

8) Certification Regarding Federal Debarment/Suspension

~~8-2~~ A-95 Review/Form 424

A) State Historic Preservation Officer Sign-Off

B) U.S./Illinois Departments of Agriculture Sign-Off

~~9-10~~ Narrative Statement

~~10-11~~ Premise Plat

~~11-12~~ Site Development Plan

~~12-13~~ Environmental Assessment Statement

~~13-14~~ Copy of Commitment for Title Insurance

~~14-15~~ Copy of Housing and Urban Development (HUD) Flood Map for Project Area

~~15-16~~ Three Slides of Project Area

~~16-17~~ Indication of Conformance to Local Master Plan/Statewide Comprehensive Outdoor Recreation Plan (SCORP)

~~17-18~~ Appraiser Qualifications

c) Failure to submit a correct and complete application by the specified application deadline date will result in project rejection.

(Source: Amended at 14 Ill. Reg. 6149, effective April 17, 1990)

Section 3030.40 Selection Criteria

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a) SCORP Priorities - 35%

Projects will be evaluated in terms of their ability to address/help remedy major outdoor recreation and conservation concerns and needs identified by the Department in its Statewide Comprehensive Outdoor Recreation Plan (SCORP). Copies of the plan are available from the Department. SCORP priorities are also listed in the Department's Land and Water Conservation Fund Local Participation Manual.

a+b) SCORP-Based Local Need Assessment - 30%+25%

Determination of need will be based upon comparison of (1) existing supply of recreation facilities per capita to the statewide median as identified in the State's Comprehensive Outdoor Recreation Plan (SCORP) and (2) existing supply and distribution of open space and park land with the amount (of acreage per thousand) proposed by nationally published by the National Recreation and Park Association in Recreation Park and Open Spaces Standards and Guidelines (1983) and/or locally adopted standards. Recreational needs based upon project service area are also given consideration.

b+c) Site Characteristics and Development Plan - 25%+Project Concept and Site Environmental Characteristics - 25%

The site will be evaluated in terms of its aesthetic qualities and physical suitability for the proposed project. Factors considered are;

- 1) public access to the site;
- 2) soil characteristics;
- 3) hydrologic characteristics of the site and general area;
- 4) site vegetation;
- 5) compatibility with adjacent land uses;
- 6) site topography;
- 7) environmental intrusions impacting proposed use of site;

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- 8) whether site is listed on the state's Natural Areas Inventory or the National Register of Historic Places, and

- 9) diversity of recreational opportunities to be provided at the site.

e+ SCORP Priorities - 25%+

Projects will be evaluated in terms of their ability to address/help remedy major outdoor recreation and conservation issues and problems identified by the Department in its Statewide Comprehensive Outdoor Recreation Plan (SCORP). Copies of the plan are available from the Department. SCORP priorities are also listed in the Department's Land and Water Conservation Fund Local Participation Manual.

d) Local Planning - 20%+10%

- 1+) The major consideration under this category is the existence of a comprehensive local recreation and/or open space plan or elements thereof, and the implementation of an existing land use plan through the enforcement of land use controls zoning subdivision regulations, and other related ordinances and identification of the proposed project as a priority for implementation. Consideration is also given for unique recreation opportunities not specifically identified in a local plan but having documented widespread public support.

- 2+) Other considerations include consistency with the Statewide Comprehensive Outdoor Recreation Plan and related regional and local plans.

e) Other Considerations - 5%

Relevant factors considered in evaluating the overall merits of a project and need for funding include projects located in urban areas; proposing initial site development; representing part of an overall economic revitalization program; involving donations of land, cash, materials or labor and applicants who have not previously received Land and Water Conservation Fund grant assistance.

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f) Penalty Factors - (deduct 15%)

Consideration is given to the local project applicant's past performance in completing Land and Water Conservation Fund projects, ability to properly maintain park facilities, unresolved violations concerning previous grant project sites and failure to cooperate with the Department in completing the Illinois Recreation Facilities Inventory.

e-g) Review and Award:

The Director of the Department of Conservation, with his staff, reviews all applicant projects in accordance with the established selection criteria outlined in this Section and submits them for review to the Conservation Advisory Board which conducts a public hearing after which, and with due consideration, it recommends to the Director applications for State approval. Those projects are approved which best fill the recreation and open space needs in the State of Illinois.

(Source: Amended at 14 Ill. Reg. 614.9, effective April 17, 1990).

Section 3030.50 Compliance Requirements

a) Definitions:

- 1) The term "NPS" as used herein means the National Park Service, United States Department of the Interior.
- 2) The term "Director" as used herein means the Director of the Illinois Department of Conservation or any representative lawfully delegated the authority to act for such Director.
- 3) The term "project" as used herein means any project or project stage approved for Land and Water Conservation Fund Program assistance.
- 4) The term "State" as used herein means Illinois and the eligible political subdivision or public agency to which funds from the Program may be transferred. Wherever a term, condition, obligation, or requirement refers to the State, such term, condition, obligation, or requirement shall also

apply to the recipient political subdivision or public agency.

b) Project Execution:

- 1) The State shall execute and complete the approved project in accordance with the time schedule set forth in the project proposal. Failure to render satisfactory progress or to complete this or any other project which is the subject of Federal assistance under this program to the satisfaction of the Director shall be cause for the suspension of all obligations of federal Land and Water assistance.
- 2) Construction contracted for shall meet the following requirements:
 - A) Contracts for construction in excess of \$10,000 shall be awarded through a process of competitive bidding. Copies of all bids and a copy of the contract shall be retained for inspection by the Director.
 - B) All bidders on contracts for construction in excess of \$10,000 must be informed that Federal funds are being used to assist in construction.
 - C) Written change orders to contracts for construction in excess of \$10,000 shall be issued for all necessary changes in the facility. Such orders shall be made a part of the project file and shall be kept available for audit.
 - D) The following provisions will be incorporated into all construction contracts and during the performance of such contract, the contractor agrees as follows:
 - i) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color,

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age or disability, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

ii) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, ~~sex~~, age or disability, color, or national origin.

iii) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of federal Executive Order No. 11246, entitled "Equal Employment Opportunity", as amended by federal Executive Order 11375 of October 13, 1967, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

iv) The contractor will comply with all provisions of federal Executive Order No. 11246, as amended by federal Executive Order 11375 of October 13, 1967, and of the rules, regulations, and relevant orders of the United States Secretary of Labor.

v) The contractor will furnish all

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information and reports required by federal Executive Order No. 11246, as amended by federal Executive Order 11375 of October 13, 1967, and by the rules, regulations, and orders of the U. S. Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the U. S. Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

vi) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in federal Executive Order No. 11246, as amended by federal Executive Order 11375 of October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in said Executive Order, as amended, or by rule, regulation, or order of the U. S. Secretary of Labor, or as otherwise provided by law.

vii) The contractor will include the provisions of Paragraphs (i) through (vi) in every subcontract on purchase order unless exempted by rules, regulations, or orders of the U. S. Secretary of Labor issued pursuant to Section 204 of federal Executive Order No. 11246, as amended by federal Executive Order 11375 of October 13, 1967 so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event the contractor becomes involved in, or is

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threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

E) The State shall:

- i) Comply with the above provisions in construction work carried out by itself.
- ii) Assist and cooperate actively with the NPS and the U. S. Secretary of Labor in obtaining the compliance of contractors and subcontractors with the above contract provisions and with the rules, regulations, and relevant orders of the U. S. Secretary of Labor.
- iii) Obtain and furnish to the NPS and to the U. S. Secretary of Labor local bid specifications, submitted bid documents and awarded construction contracts as they may require for the supervision of such compliance.
- iv) Enforce the obligation of contractors and subcontractors under such provisions, rules, regulations, and orders.
- v) Carry out sanctions and penalties for violation of such obligations imposed upon contractors and subcontractors by the U. S. Secretary of Labor or the NPS pursuant to Part II, Subpart D, of federal Executive No. 11246, as amended by federal Executive Order 11375 of October 13, 1967.
- vi) Refrain from entering into any contract with a contractor debarred from Government contracts under Part II, Subpart D, of federal Executive Order No. 11246, as amended by federal Executive Order 11375 of October 13, 1967.

c) Project costs:

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- 3) The State shall secure completion of the work in accordance with the approved construction plans and specifications, and shall secure compliance with all applicable Federal, State, and local laws and regulations.
- 4) Local political subdivisions shall permit periodic site visits by the Director to insure work progress in accordance with the approved project, including a final inspection upon project completion.
- 5) In the event funds should not be available for future stages of the project, the local political subdivision shall bring the project to a point of usefulness agreed upon by the local political subdivision and the Director.
- 6) All significant deviations from the project proposal shall be submitted to the Director for prior approval. Deviations which do not impact or diminish the approved project's recreational objective shall be deemed not significant and shall be approved.
- 7) Development plans and specifications shall be available for review by the Director upon request.
- 8) The acquisition cost of real property shall be based upon the appraisal of a competent appraiser. The reports of such appraisers shall be made available to the Director.
- 9) If any tract or parcel of, or interest in, real property subject to being purchased under the provisions of this agreement, but not identified herein, is found by the Director for any reason not to be suitable for Federal assistance, all obligations of the United States hereunder, shall cease as to such parcel, tract or interest.
- 10) Federal funds administered by the Department under the Federal Land and Water Conservation Fund program will be expended in accordance with all applicable State statutes.

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Project costs eligible for assistance shall be determined upon the basis of the criteria set forth in the federal Land and Water Grants-in-Aid and Illinois Land and Water Local Participation Manuals.

d) Project Administration:

- 1) Local political subdivisions shall promptly submit such reports as the Director requests.
- 2) Property and facilities acquired or developed through the Land and Water program shall be available for inspection by the Director upon request.

e) Project Termination:

- 1) The State may unilaterally rescind project agreements at any time prior to project commencement if federal funds are rescinded. After project commencement, agreements may be rescinded, modified, or amended only by mutual agreement with the local political subdivision. A project shall be deemed commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.
- 2) Failure by the local political subdivision to comply with the terms of the Land and Water Conservation Fund Program shall be cause for the suspension of all obligations thereunder.
- 3) Failure by the local political subdivision to comply with the above cited terms shall not be cause for the suspension of all Land and Water obligations if, in the judgement of the Director, such failure was due to no fault of the local political subdivision.

f) Conflict of Interests:

- 1) No official or employee of the local political subdivision who is authorized in his official capacity to negotiate, make, accept, or approve or to take part in such decisions regarding a contract or subcontract in connection with an approved Land and Water project shall have any financial or other personal interest in any such contract or subcontract.

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- 2) No person performing services for the local political subdivision in connection with an approved Land and Water project shall have a financial or other personal interest other than his employment or retention by that local political subdivision, in any contract or subcontract in connection with an approved Land and Water project. No officer or employee of such person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved Land and Water project unless such interest is openly disclosed upon the public records of the local political subdivision, and such officer, employee or person has not participated in the acquisition for or on behalf of the local political subdivision.

g) Financial Records:

- 1) The local political subdivision shall maintain legible financial accounts, documents, and records, which accurately support projects costs claimed for grant reimbursement, and shall make them available to the Director, the NPS, the federal Department of the Interior, and to the U. S. General Accounting Office for auditing during regular business hours. Such accounts, documents, and records shall be retained by the local political subdivision for three years following project termination.

- 2) The local political subdivision shall use any generally accepted accounting system.

h) Use of Facilities:

- 1) The local political subdivision shall not at any time convert any property acquired or developed through the Land and Water program to other than the public outdoor recreation uses specified in the project proposal without the prior approval of the Director and concurrence by the NPS. Such approval will be given only upon the substitution of replacement property having equal fair market value and comparable outdoor recreation usefulness, quality and location.

- 2) The local political subdivision shall operate and

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maintain, or cause to be operated and maintained, property or facilities acquired or developed through the Land and Water program in the manner and according the standards set forth in the federal Land and Water Grants-in-Aid Manual.

i) Non discrimination:

- 1) The local political subdivision shall not discriminate against any person on the basis of race, color, national origin, handicap or age in the use of any property or facility acquired or developed through the Land and Water program.
- 2) The local political subdivision shall comply with the terms and intent of Title VI of the federal Civil Rights Act of 1964, 78 Stat. 241 (1964) (42 U.S.C. Subchapter V), and with the regulations promulgated pursuant to such Act by the U. S. Secretary of the Interior.
- 3) The local political subdivision shall not discriminate against any person on the basis of residence, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence. Reasonable differences shall mean that fees charged to non-residents cannot exceed twice the amount charged to residents. When residents are not charged, but non-residents are charged, the non-resident fee cannot exceed fees charged for residents at comparable State or local public facilities having a fee system.

(Source: Amended at 14 Ill. Reg. 614.9, effective April 17, 1990).

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- 1) HEADING OF THE PART: Sport Fishing Regulations for the Waters of Illinois

- 2) CODE CITATION: 17 Ill. Adm. Code 810

- 3) SECTION NUMBERS: ADOPTED ACTION:

810.10 Amendments
810.20 Amendments
810.30 Amendments
810.40 Amendments
810.100 New Section

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1)

- 5) EFFECTIVE DATE OF AMENDMENTS: April 17, 1990

- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: April 10, 1990

- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: January 12, 1990, 14 Ill. Reg. 491

- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 810.10(b), "sportfishing" was changed to read "sport fishing".

In Section 180.100(b)(1), the paragraph was changed to read: "vehicles operating under a permit issued by the Illinois Department of Transportation which allows operation on the bed of a public water;".

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? Yes

Section Numbers	Proposed Action	Illinois Register Citation
810.70	Amendments	14 Ill. Reg. 2419, February 16, 1990

15) SUMMARY AND PURPOSE OF AMENDMENTS: The changes to this Part are based upon the results of biological surveys and subsequent data analyses that the Division of Fisheries has determined are necessary for the maintenance and/or production of quality fisheries in State-managed waters.

Due to the low-water conditions existing in many areas of the State created by the 1988 drought and the 1989 lack of water sufficient to fully recharge the water tables, many areas utilized as fish spawning beds and mussel beds are accessible to motor vehicles. Driving motor vehicles through these areas destroys the beds and eggs of aquatic animals and the aquatic plants, which causes serious depletion of many forms of aquatic life, including sport fish and plants and animals which are part of the food-chain of sport fish. To correct this situation, a new Section 810.100, Bed Protection, has been added which makes it illegal to operate a motor vehicle upon the bed of public waters.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 810

SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section	
810.10	Sale of Fish and Fishing Seasons
810.20	Snagging
810.30	Pole and Line Fishing Only
810.40	Daily Catch and Size Limits
810.50	Bait Fishing
810.60	Bullfrogs
810.70	Free Fishing Days
810.80	Emergency Protective Regulations
810.90	Tagged Fishing Tournament Permit
810.100	Bed Protection

AUTHORITY: Implementing and authorized by Sections 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1)

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendments at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendments at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendments at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendments at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency

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amendments at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days; emergency expired February 1, 1990; emergency amendments at 13 Ill. Reg. 15118, effective September 11, 1989, for a maximum of 150 days; emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990.

Section 810.10 Sale of Fish and Fishing Seasons

a) No fish or parts thereof (including eggs) taken by sport fishing methods (including snagging) may be bought, sold or bartered.

b) Lake Michigan - The sport fishing season for rainbow smelt shall be from March 1 to April 30.

(Source: Amended at 14 Ill. Reg. 6164, effective April 17, 1990)

Section 810.20 Snagging

a) Anglers are permitted only one pole and line device to which can be attached no more than two hooks.

b) Species of Fish and Snagging Catch Limit.

1) Only the following species of fish and catch limit may be taken by snagging:

Carp - no catch limit

Buffalo - no catch limit

Freshwater Drum - no catch limit

Salmon (coho and chinook only) - 5 daily

Paddlefish - 2 per day

Bowfin - no catch limit

Gizzard shad - no catch limit

Carpaukers - no catch limit

Longnose gar - no catch limit

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Shortnose gar - no catch limit

Suckers - no catch limit

2) No sorting of snagged salmon and paddlefish is permitted. Every salmon 10 inches in total length or longer and paddlefish taken by snagging must be kept and included in the daily catch limit.

c) Waters Open to Snagging and Snagging Season.

1) Snagging for fish is permitted year-round within a 300 yard downstream limit below all locks and dams of the Illinois and Mississippi Rivers.

2) Snagging for fish is permitted year-round within a 100 yard limit upstream or downstream of the dam at Horseshoe Lake in Alexander County.

3) Snagging for chinook and coho salmon only is permitted from the following Lake Michigan shoreline areas from October 1 through December 31; however, no snagging is allowed at any time within 200 feet of a moored watercraft or as posted:

A) Lincoln Park Lagoon from the Fullerton Avenue Bridge to the southern end of the Lagoon.

B) Waukegan Harbor (in North Harbor basin only).

C) Winnetka Power Plant discharge area.

D) Jackson Harbor (Inner and Outer Harbors).

E) ~~the Waukegan Power Plant discharge area.~~

d) Disposition of Snagged Salmon and Paddlefish. All snagged salmon and paddlefish must be removed from the area from which they were taken and disposed of properly, in accordance with Section 2.1 of the Fish Code of 1971.

(Source: Amended at 14 Ill. Reg. 6164, effective April 17, 1990)

Section 810.30 Pole and Line Fishing Only

Anglers must not use more than 2 poles and each pole must not have more than 2 hooks or lures attached while fishing in the following

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waters, except as indicated, and except that legal size cast nets, (in accordance with Section 810.50(a)(1)) shad scoops, and minnow seines may be used to obtain shad, minnows, and crayfish to use as bait, provided that they are not sold:

Argyle Lake, Argyle Lake State Park, McDonough County
Ashley Reservoir, City of Ashley, Washington County
Baldwin Lake, Baldwin Lake Conservation Area, Randolph and St. Clair Counties
Banner Marsh Lakes and Ponds, Banner Marsh State Fish and Wildlife Area, Peoria and Fulton Counties, except that carp, buffalo, suckers and gar may be taken by bow and arrow devices or spears during May and June
Beall Woods Lake, Beall Woods Conservation Area, Wabash County
Beaver Dam Lake, Beaver Dam State Park, Macoupin County
Borah Lake, City of Olney, Richland County
Canton Lake, City of Canton, Fulton County
Cedar Lake, U.S. Forest Service and City of Carbondale, Jackson County
~~Champaign County Forest Preserve Park Ponds, Champaign County Forest Preserve, Champaign County~~
Charleston Lower Channel Lake, City of Charleston, Coles County
Charleston Side Channel Lake, City of Charleston, Coles County
Charlie Brown Park Lake and Pond, City of Flora, Clay County
Citizen's Lakes (North and South), City of Monmouth, Warren County
Clinton Lake, Clinton Lake State Recreation Area, DeWitt County, except that sport fishermen will be allowed to use trot lines, jug fishing and bank poles in the portions of the impoundment that lie north of the

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Davenport Bridge and northeast of the Parnell Bridge
Coleta Trout Ponds, State of Illinois, Whiteside County
Cook County Forest Preserve District Lakes (Arrowhead Lake, Axehead Lake, Beck Lake, Belleau Lake, Belly Deep Slough, Big Bend Lake, Bode Lake, Bullfrog Lake, Busse Lake, Cermak Quarry, Deer Grove Lake, Flatfoot Lake, Green Lake, Horsetail Lake, Ida Lake, Joe's Pond, Maple Lake, McGinnis Slough, Midlothian Reservoir, Papoose Lake, Potawatomi Slough Lake, Powderhorn Lake, Saganashkee Slough, Sag Quarry East, Sag Quarry West, Schiller Pond, Skokie Lagoons, Tampier Lake, Tuma Lake, Turtlehead Lake and Wampum Lake), Cook County
Coulterville City Lake, City of Coulterville, Randolph County
Crab Orchard Lake, Crab Orchard National Wildlife Refuge, Williamson County, except that sport fishermen will be allowed to use trot lines, bank poles and jugs, and except that the use and aid of underwater breathing devices for the purpose of taking channel catfish and flathead catfish is prohibited
Crawford County Conservation Area Ponds, Crawford County
Dawson Lake and Park Ponds, Moraine View State Park, McLean County
Decatur Park District Ponds, City of Decatur, Macon County
Defiance, Tomahawk, Warrior and Wilderness Lakes, Moraine Hills State Park, McHenry County
Devil's Kitchen Lake, U.S. Fish and Wildlife Service, Williamson County
Dolan Lake, Hamilton County Conservation Area, Hamilton County
Donut Lake, Palatine Park District, Cook County
Dutchman Lake, Shawnee National Forest, Johnson County
East Fork Lake, City of Olney, Richland County

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Ferne Clyffe Lake, Ferne Clyffe State Park, Johnson County

Fitch and Bond Lake, Canton Park District, Fulton County

Forbes Lake and Ponds, Stephen A. Forbes State Park, Marion County except that carp, buffalo, and bowfin may be taken by pitchfork, bow and arrow devices and gigs

Forest Park Lagoon, City of Shelbyville, Shelby County

Fox Ridge Lake, Fox Ridge State Park, Coles County

Frank Holten Lakes, Frank Holten State Park, St. Clair County

Franklin Creek in Franklin Creek State Natural Area, except that all fishing is prohibited in any area from Mondays Bridge upstream to the State property line east of headquarters, and in an area from a point 300' upstream of trail marker 0, upstream to trail marker 4.

Gale Lake, Village of East Galesburg, Knox County

Gillespie Old City Lake, City of Gillespie, Macoupin County

Gladstone Lake, Henderson County Conservation Area, Henderson County

Heidecke Lake State Fish and Wildlife Area, Grundy County

Hennepin Canal and Feeder Canal, Hennepin Canal Parkway State Park, Bureau, Henry, Rock Island, and Whiteside Counties, except that jug fishing is permitted from the hours of sunset to sunrise, and except that carp and buffalo may be taken by bow and arrow devices during May and June. All jugs must have owner's/user's name and complete address affixed.

Hidden Springs State Forest Ponds, Shelby County

Homer Lake, Champaign County Forest Preserve District, Champaign County

Hormel Ponds, Donnelly State Fish and Wildlife Area, Bureau County, except that carp, buffalo, suckers and gar

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may be taken by bow and arrow devices or spears during May and June.

Horseshoe Lake, Horseshoe Lake Conservation Area, Alexander County

Horseshoe Lake, Horseshoe Lake State Park, Madison County, except that sport fishermen may use trot lines but they must be set at least 200 feet from shore

Horton Lake, Nauvoo State Park, Hancock County

Illinois Department of Transportation Lake, State of Illinois, Sangamon County

Illinois and Michigan Canal, State of Illinois, Grundy, Will and LaSalle Counties

Illinois Beach State Park Ponds, Illinois Beach State Park, Lake County

Johnson Sauk Trail Lake and Ponds, Johnson Sauk Trail State Park, Henry County

Jones Park Lake, City of East St. Louis, St. Clair County

Jones State Lake, Saline County Conservation Area, Saline County

Jubilee College State Park Ponds, Jubilee College State Park, Peoria County

Kickapoo State Park Lakes and Ponds, Vermillion County

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

Lake County Forest Preserve District ~~(Acorn Pond, Banana Lake, Beaver Pond, Greenbelt Lake #1, Greenbelt Lake #2, Heron Pond, Old School Pond, Sterling Lake, Taylor Lake, and Wright Woods Pond)~~, Lakes, County of Lake, Lake County

Lake Decatur, City of Decatur, Macon County

Lake George, Loud Thunder Forest Preserve, Rock Island Forest Preserve District, Rock Island County

Lake Glendale, Shawnee National Forest, Pope County

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Lake Jacksonville, City of Jacksonville, Morgan County

Lake Kakusha, City of Mendota, LaSalle County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park, Stephenson County

Lake Milliken, Des Plaines Conservation Area, Will County

Lake Mingo, and Ponds, Kennukuk Cove Park, Vermillion County Conservation Area, Vermillion County

Lake Murphysboro, Lake Murphysboro State Park, Jackson County

Lake Nellie, City of St. Elmo, Fayette County

Lake of the Woods and Elk's Pond in Lake of the Woods County Park, Champaign County Forest Preserve District, Champaign County

Lake Paradise, City of Mattoon, Coles County

Lake Paradise Shadow Ponds, City of Mattoon, Coles County

Lake Shelbyville Management State Fish and Wildlife Area Ponds, Lake Shelbyville State Fish and Wildlife Management Area, Moultrie County

Lake Shelbyville Project Ponds and Woods Lake (but not Lake Shelbyville), U. S. Army Corps of Engineers, Moultrie and Shelby Counties

Lake Storey, City of Galesburg, Knox County

Lake Vandalia, City of Vandalia, Fayette County

LaSalle Lake, LaSalle Power Station, LaSalle County

Lincoln Log Cabin State Park-Pond, Lincoln Log Cabin Historical Site, Coles County

Lincoln Trail Lake, Lincoln Trail State Park, Clark County

Little Black Slough, Little Black Slough State Natural Area, Johnson County, except that seines, cast nets and

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shad scoops shall not be used at any time to take aquatic species

Little Cedar Lake, Shawnee National Forest, Jackson County

Little Grassy Lake, U.S. Fish and Wildlife Service, Williamson County

Little Sister Lake, County of Fulton, Fulton County

Lower Cache River, Lower Cache River State Natural Area, Pulaski and Johnson Counties: except that seines, cast nets and shad scoops shall not be used at any time to take aquatic species.

Lyerla Lake, Union County Conservation Area, Union County

Macon County Conservation District Ponds, Macon County

Marshall County Conservation Area (Fishing Ditch Portion), Marshall County

Mattoon Lake, City of Mattoon, Coles, Cumberland and Shelby Counties-County

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Grundy and Will Counties

McLeansboro City Lakes, City of McLeansboro, Hamilton County

Mermet State Lake, Mermet Lake Conservation Area, Massac County

Middle Fork Forest Preserve Ponds, Champaign County Forest Preserve, Champaign County

Mill Creek Lake, Clark County Park District, Clark County

Miller Park Lake, City of Bloomington, McLean County

Montrose Lake, City of Montrose, Cumberland County

Mt. Olive Old and New City Lakes, City of Mt. Olive, Macoupin County

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Mundelein Park District (Diamond Lake and ~~Kaell Park~~
~~Pond Park Ponds~~), City of Mundelein, Lake County

Nashville City Lake, City of Nashville, Washington County
Newton Lake, Newton Lake State Fish and Wildlife Area,
Jasper County

Oakland City Lake, City of Oakland, Coles County

One Horse Gap Lake, Shawnee National Forest, Gallatin
County

Pana Lake, City of Pana, Shelby and Christian Counties
Paris East and West Lakes, City of Paris, Edgar County

Pierce Lake, Rock Cut State Park, Winnebago County,
except that sport fisherman may take carp by means of
pitchfork, bow and arrow devices, and gigs during May and
June

Pounds Hollow Lake, Shawnee National Forest, Gallatin
County

Powerton Lake, Powerton Lake Fish and Wildlife Area,
Tazewell County

Pyramid State Park Lakes and Ponds, Perry County

Ramsey Lake, Ramsey Lake State Park, Fayette County

Randolph County Lake, Randolph County Conservation Area,
Randolph County

Red Hills Lake, Red Hills State Park, Lawrence County

Rend Lake Project Ponds, U.S. Army Corps of Engineers,
Franklin and Jefferson Counties

~~Rock Springs Pond, Mason County Conservation District~~
~~Mason County~~

Sam Dale Conservation Area Lake and Pond, Wayne County

Sam Parr Lake, Sam Parr State Park, Jasper County

Sangchris Lake State Park Lake and Ponds, Sangamon and

DEPARTMENT OF CONSERVATION

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Christian Counties

Shabbona Lake, Shabbona Lake State Park, DeKalb County
Siloam Springs Lake, Siloam Springs State Park, Adams
County

Silver Springs State Park Lake and Ponds, Kendall County
Snake Den Hollow Lakes, Snake Den Hollow State Fish and
Wildlife Area, Knox County

Sparta City Lakes, City of Sparta, Randolph County

Spring Lake, City of Macomb, McDonough County

Spring Lake (North and South), Spring Lake Conservation
Area, Tazewell County, except that carp and buffalo may
be taken by bow and arrow devices during May and June

Tecumseh Lake, Shawnee National Forest, Hardin County

Ten Mile Creek Lakes, Ten Mile Creek State Fish and
Wildlife Area, Hamilton County

Turner Lake, Chain O'Lakes State Park, Lake County

Tuscola City Lake, City of Tuscola, Douglas County

Valley Lake, Wildwood Park District, Lake County

Villa Grove West Lake, City of Villa Grove, Douglas
County

Virginia City Reservoir, City of Virginia, Cass County

Walnut Point Lake, Walnut Point State Park Fish and
Wildlife Area, Douglas County

Washington County Lake, Washington County Conservation
Area, Washington County

Weinberg-King Pond, Weinberg-King State Park, Schuyler
County

Weldon Springs Lake, Weldon Springs State Park, DeWitt
County

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Whoopie Cat Lake, Shawnee National Forest, Hardin County
Wolf Lake, William W. Powers Conservation Area, Cook
County

Allison Lake, City of Allison, Logan
County

Woodford County Conservation Area (Fishing Ditch Portion
of the Area), Woodford County

Andover Lake, City of Andover, Henry
County

Argyle Lake, Argyle Lake State Park,
McDonough County

Wyman Lake, City of Sullivan, Moultrie County

Ashland Reservoir, City of Ashland, Cass
County

(Source: Amended at 14 Ill. Reg. 6164, effective
April 17, 1990)

Section 810.40 Daily Catch and Size Limits

Ashley Reservoir, City of Ashley,
Washington County

a) Length is measured from the tip of the snout to the end
of the tail with the fish laid flat on a ruler, with
mouth closed and tail lobes pressed together.

Banner Marsh Lakes and Ponds, Banner
Marsh State Fish and Wildlife Area,
Peoria and Fulton Counties

b) No person may remove the head or tail of fishes to which
length limits apply while on the waters to which length
limits apply. Regardless of where taken, no fish less
than the specified minimum length or more than the daily
catch shall be possessed on the waters to which length
limits and/or daily catch limits apply.

Bay Creek Lake, U.S. Forest Service,
Pope County

c) Limits by type of fish

Beall Woods Lake, Beall Woods
Conservation Area, Wabash County

1) CHANNEL CATFISH

Beaver Dam Lake, Beaver Dam State Park,
Macoupin County

A) Statewide Regulations.

There are no daily catch or size limits except
in those waters listed under Site Specific
Regulations.

Borah Lake, City of Olney, Richland
County

B) Site Specific Regulations.

~~1) All channel catfish taken must be 14
inches in total length or longer in the
following waters:~~

~~Fox Ridge Lake, Fox Ridge State Park,
Greene County~~

Buckner City Reservoir, City of Buckner,
Franklin County

Bunker Hill Lake, City of Bunker Hill,
Macoupin County

Burrells Wood Park Pond, White County
Canton Lake, City of Canton, Fulton
County

~~1) Daily catch limit is 6 channel catfish
in the following waters:~~

Carthage Lake, City of Carthage, Hancock
County
~~Champaign County Forest Preserve Park
Pender, Champaign County Forest Preserve
Champaign County~~

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Charleston Side Channel Lake, City of Charleston, Coles County

Charlie Brown Park Lake and Pond, City of Flora, Clay County

Citizen's Lakes (North and South), City of Monmouth, Warren County

Cook County Forest Preserve District (Busse Lake, Maple Lake and Tampier Lake), Cook County

Coulterville City Lake, City of Coulterville, Randolph County

Crawford County Conservation Area Ponds, Crawford County

Dawson Lake and Park Ponds, Moraine View State Park, McLean County

Decatur Park District Ponds, City of Decatur, Macon County

Defiance, Tomahawk, Warrior and Wilderness Lakes, Moraine Hills State Park, McHenry County

Dolan Lake, Hamilton County Conservation Area, Hamilton County

Donut Lake, Palatine Park District, Cook County

Dutchman Lake, Shawnee National Forest, Johnson County

East Fork Lake, City of Olney, Richland County

Eldorado New City Lake, City of Eldorado, Saline County

~~Elwood City Lake, City of Elwood, Will County~~

Ferne Clyffe Lake, Ferne Clyffe State Park, Johnson County

Fitch and Bond Lake, Canton Park District, Fulton County

Forbes State Lake and Ponds, Stephen A. Forbes State Park, Marion County

Forest Park Lagoon, City of Shelbyville, Shelby County

Four Lakes, Winnebago County Forest Preserve, Winnebago County

Fox Ridge Lake, Fox Ridge State Park, Coles County

Frank Holten Lakes, Frank Holten State Park, St. Clair County

Gale Lake, ~~City of Galesburg~~ Village of East Galesburg, Knox County

Gillespie New City Lake, City of Gillespie, Macoupin County

Gillespie Old City Lake, City of Gillespie, Macoupin County

Gladstone Lake, Henderson County Conservation Area, Henderson County

Greenfield Old City Lake, Kingsbury Park District, Bond County

Greenville Old City Lake, City of Greenville, Bond County

Harrisburg New City Reservoir, City of Harrisburg, Saline County

Heidecke Lake State Fish and Wildlife Area, Grundy County

Herrick Lake, DuPage County

Hidden Springs State Forest Ponds,

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Shelby County

Highland Old City Lake, City of
Highland, Madison County

Hillsboro Old City Lake, City of
Hillsboro, Montgomery County

Homer Lake, Champaign County Forest
Preserve District, Champaign County

Hornel Ponds, Donnelly State Fish and
Wildlife Area, Bureau County

Horseshoe Lake, Horseshoe Lake
Conservation Area, Alexander County

Horton Lake, Nauvoo State Park, Hancock
County

~~Ill. Canal~~, Illinois and Michigan Canal.
Illinois and Michigan Canal State Trail,
Grundy, Will and LaSalle Counties

Illinois Beach State Park Ponds,
Illinois Beach State Park, Lake County

Illinois Department of Transportation
Lake, Illinois Department of
Transportation, Sangamon County

Johnson Sauk Trail Lake and Pond,
Johnson Sauk Trail State Park, Henry
County

Jones Park Lake, City of East St. Louis,
St. Clair County

Jones State Lake, Saline County
Conservation Area, Saline County

Jubilee College State Park Ponds,
Jubilee College State Park, Peoria
County

Kendall County Lake #1, County of
~~Kendall~~ Kendall County Forest Preserve,
Kendall County

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Kickapoo State Park Lakes and Ponds,
Vermilion County

Lake Atwood, McHenry County Conservation
District, McHenry County

Lake Carlton, Morrison-Rockwood State
Park, Whiteside County

Lake County Forest Preserve District
~~(Banana Lake, Greenbelt Lake #1,
Greenbelt Lake #2, Old Scheel Pond,
Sterling Lake, Taylor Lake, and Wright
Weeds Pond)~~ Lakes, County of Lake, Lake
County

Lake George, Loud Thunder Forest
Preserve, Rock Island Forest Preserve
District, Rock Island County

Lake Glendale, Shawnee National Forest,
Pope County

Lake Jacksonville, City of Jacksonville,
Morgan County

Lake Kakusha, City of Mendota, LaSalle
County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State
Park, Stephenson County

Lake Mendota, City of Mendota, LaSalle
County

Lake Milliken, Des Plaines Conservation
Area, Will County

Lake Mingo and Ponds, Kennukuk Cove
Park, Vermilion County Conservation
District, Vermilion County

Lake Murphysboro, Lake Murphysboro State
Park, Jackson County

Lake Nellie, City of St. Elmo, Fayette
County

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Lake Paradise Shadow Ponds, City of Mattoon, Coles County

Lake of the Woods and Elks Pond, Champaign County Forest Preserve District, Champaign County

Lake Shelbyville Management State Fish and Wildlife Area Ponds, Lake Shelbyville Wildlife Management State Fish and Wildlife Area, Moultrie County

Lake Shelbyville Project Ponds and Woods Lake (but not Lake Shelbyville), U. S. Army Corps of Engineers, Moultrie and Shelby Counties

Lake Storey, City of Galesburg, Knox County

Lake Vandalia, City of Vandalia, Fayette County

Lake Williamsville, City of Williamsville, Sangamon County

Lincoln Trail Lake, Lincoln Trail State Park, Clark County

Little Cedar Lake, Shawnee National Forest, Jackson County

Little Grassy Lake, U.S. Fish and Wildlife Service, Williamson County

Little Sister Lake, County of Fulton, Fulton County

Lyerla Lake, Union County Conservation Area, Union County

Macon County Ponds, Macon County Conservation District, Macon County

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area.

Grundy and Will Counties

McCullom Lake, McHenry County Conservation District, McHenry County

McLeansboro City Lakes, City of McLeansboro, Hamilton County

Mermet Lake, Mermet Lake Conservation Area, Massac County

Middle Fork Forest Preserve Park Ponds, Champaign County Forest Preserve, Champaign County

Mill Creek Lake, Clark County Park District, Clark County

Miller Park Lake, City of Bloomington, McLean County

Monsee Reservoir, Will County Forest Preserve District, Will County

Montrose Lake, City of Montrose, Effingham County

Mt. Olive City Lakes, City of Mt. Olive, Macoupin County

Mt. Sterling Lake, City of Mt. Sterling, Brown County

Mundelein Park District (Diamond Lake and ~~Kelli Park~~ ~~Park Ponds~~), City of Mundelein, Lake County

Nashville City Lake, City of Nashville, Washington County

Oakhurst Lake, City of Aurora, Kane County

Oakland City Lake, City of Oakland, Coles County

One Horse Gap Lake, Shawnee National Forest, Pope County

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DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Palmyra City Lake and Terry Park Pond,
City of Palmyra, Macoupin County

Pana Lake, City of Pana, Shelby and
Christian Counties

Paris East and West Lakes, City of
Paris, Edgar County

Pierce Lake, Rock Cut State Park,
Winnebago County

Pocahontas Park Pond, City of
Pocahontas, Bond County

Pounds Hollow Lake, Shawnee National
Forest, Gallatin County

Powerton Lake, Powerton Lake
Conservation Area, Tazewell County

Pratts Wayne Woods Lakes, DuPage County
Forest Preserve, DuPage County

Pyramid State Park Lakes and Ponds,
Perry County

Ramsey Lake, Ramsey Lake State Park,
Fayette County

Randolph County Lake, Randolph County
Conservation Area, Randolph County

Red Hills Lake, Red Hills State Park,
Lawrence County

Rend Lake Project Ponds, U.S. Army Corps
of Engineers, Franklin and Jefferson
Counties

~~Rock Springs Pond, Mason County
Conservation District, Mason County~~

Roodhouse Park Lake, City of Roodhouse,
Greene County

Sam Dale Conservation Area Lake and

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Ponds, Wayne County

Sam Parr Lake, Sam Parr State Park,
Jasper County

Sand Lake, Illinois Beach State Park,
Lake County

Senior Citizen's Pond, Kankakee River
State Park, Kankakee County

Shabbona Lake, Shabbona Lake State Park,
DeKalb County

Shawnee National Forest Lakes and Ponds,
Shawnee National Forest, all counties

Siloam Springs Lake, Siloam Springs
State Park, Adams County

Silver Springs State Park Lakes and
Ponds, Kendall County

Snake Den Hollow Lakes, Snake Den Hollow
State Fish and Wildlife Area, Knox
County

Sparta City Lakes, City of Sparta,
Randolph County

Spring Lake, City of Macomb, McDonough
County

Spring Lake North and South, Spring Lake
Conservation Area, Tazewell County

Staunton City Lake, City of Staunton,
Macoupin County

Tecumseh Lake, Shawnee National Forest,
Hardin County

Ten Mile Creek Lakes, Ten Mile Creek
State Fish and Wildlife Area, Hamilton
County

Turner Lake, Chain O'Lakes State Park,
Lake County

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Tuscola City Lake, City of Tuscola,
Douglas County

Valley Lake, Wildwood Park District,
Lake County

Vandalia Correctional Facility Ponds,
State of Illinois, Marion County

Vanhorn Woods Pond, Will County Forest
Preserve District, Will County

Venor Lake, City of Olney, Richland
County

Villa Grove West Lake, City of Villa
Grove, Douglas County

Virginia City Reservoir, City of
Virginia, Cass County

Walnut Point Lake, Walnut Point State
Park and Wildlife Area, Douglas
County

Walton Park Lake, City of Litchfield,
Montgomery County

Washington County Lake, Washington
County Conservation Area, Washington
County

Waverly Lake, City of Waverly, Morgan
County

Weinberg-King Pond, Weinberg-King State
Park, Schuyler County

Weldon Springs Lake, Weldon Springs
State Park, Dewitt County

West Frankfort New City Lake, City of
West Frankfort, Franklin County

West Frankfort Old City Lake, City of
West Frankfort, Franklin County

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

White Hall City Lake, City of White
Hall, Greene County

Whoopie Cat Lake, Shawnee National
Forest, Hardin County

Wolf Lake, William W. Powers
Conservation Area, Cook County

Wyman Lake, City of Sullivan, Moultrie
County

2) LARGEMOUTH BASS, SMALLMOUTH BASS, SPOTTED BASS

A) Statewide Regulations.

Daily catch limit is 6 bass, either singly or
in the aggregate, except as specified under
Site Specific Regulations. There is no size
limit except in those waters listed under Site
Specific Regulations.

B) Site Specific Regulations.

i) All largemouth bass and smallmouth bass
taken must be 12 inches in total length
or longer in the following waters:

That portion of the Mississippi River
that lies between the States of Illinois
and Iowa (River Miles 361.4 to 580.7).

ii) All largemouth bass taken must be 12
inches in total length or longer in the
following waters:

U.S. Forest Service Lakes and Ponds less
than 10 surface acres, U.S. Department
of Agriculture, Multiple Counties
Southern Illinois.

iii) All largemouth or smallmouth bass taken
must be 14 inches in total length or
longer in the following waters:

Banner Marsh Lakes and Ponds, Banner
Marsh State Fish and Wildlife Area,
Peoria and Fulton Counties

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Borah Lake, City of Olney, Richland County

Carlyle Lake (including its tributary streams and those portions of the Kaskaskia River and Hurricane Creek up to the U.S. Army Corps of Engineers Carlyle Lake Project boundaries) U.S. Army Corps of Engineers, Bond, Clinton, and Fayette Counties

~~Champaign County Forest Preserve-Park Ponds, Champaign County Forest District, Champaign County~~

Charleston Side Channel Lake, City of Charleston, Coles County

Charlie Brown Lake and Pond, City of Flora, Clay County

Clinton Lake, Clinton Lake State Recreation Area, DeWitt County

Defiance, Tomahawk, Warrior and Wilderness Lakes, Moraine Hills State Park, McHenry County

Dolan Lake, Dolan Lake Conservation Area, Hamilton County

Forbes State Lake and Ponds, Forbes State Fish and Wildlife Area, Marion County

Fox Chain O'Lakes, including the Fox River South of the Illinois-Wisconsin Line to the McHenry Dam, State of Illinois, Lake and McHenry Counties

Fox Ridge Lake, Fox Ridge State Park, Coles County

Frank Holten Lakes, Frank Holten State Park, St. Clair County

Hennepin Canal, Hennepin Canal Parkway

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

State Park, Rock Island, Henry, Bureau and Whiteside Counties

Hennepin Canal Mainline and Feeder, Hennepin Canal State Park, Rock Island, Henry, Bureau and Whiteside Counties

Hidden Springs State Forest Ponds, Shelby County

Homer Lake, Champaign County Forest Preserve District, Champaign County

Hornel Ponds, Donnelly State Fish and Wildlife Area, Bureau County

Horseshoe Lake, Horseshoe Lake Conservation Area, Alexander County

Johnson Sauk Trail Lake and Pond, Johnson Sauk Trail State Park, Henry County

Jones State Lake, Glen O. Jones Conservation Area, Saline County

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

Lake Decatur, City of Decatur, Macon County

Lake George, Loud Thunder Forest Preserve, Rock Island Forest Preserve District, Rock Island County

Lake Kakusha, City of Mendota, LaSalle County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park, Stephenson County

Lake Nellie, City of St. Elmo, Fayette County

Lake of the Woods and Elk's Pond, Champaign County Forest Preserve District, Champaign County

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Lake Paradise and Shadow Ponds, City of Mattoon, Coles County

Lake Sara, City of Effingham, Effingham County

Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries), Lake Shelbyville Project Ponds and Woods Lake, U.S. Army Corps of Engineers, Shelby and Moultrie Counties

Lake Shelbyville Management State Fish and Wildlife Area Ponds, Lake Shelbyville Wildlife Management State Fish and Wildlife Area, Moultrie County

Lake Vandalia, City of Vandalia, Fayette County

Mattoon Lake, City of Mattoon, Coles, Cumberland and Shelby Counties

McLeansboro City Lakes, City of McLeansboro, Hamilton County

Mermet Lake, Mermet Lake Conservation Area, Massac County

Middle Fork Forest Preserve Ponds, Champaign County Forest District, Champaign County

Montrose Lake, City of Montrose, Cumberland County

Oakland City Lake, City of Oakland, Coles County

Pana Lake, City of Pana, Shelby and Christian Counties

Paris East and West Lakes, City of Paris, Edgar County

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Peelman Lake, Kickapoo State Park, Vermillion County

Pierce Lake, Rock Cut State Park, Winnebago County

Pittsfield City Lake, City of Pittsfield, Pike County

Powerton Lake, Powerton Lake Conservation Area, Tazewell County

Ramsey Lake, Ramsey Lake State Park, Fayette County

Randolph County Lake, Randolph County Conservation Area, Randolph County

Rend Lake and Rend Lake Project Ponds, U.S. Army Corps of Engineers, Franklin and Jefferson Counties

Sam Dale Lake, Sam Dale Conservation Area, Wayne County

Sand Lake, Illinois Beach State Park, Lake County

Shabbona Lake, Shabbona Lake State Park, DeKalb County

Spring Lake (North and South), Spring Lake Conservation Area, Tazewell County

Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area, Hamilton County

Tuscola City Lake, City of Tuscola, Douglas County

Villa Grove West Lake, City of Villa Grove, Douglas County

Washington County Lake, Washington County Conservation Area, Washington County

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Weldon Springs Lake, Weldon Springs State Park, Dewitt County

Wolf Lake, Wolf Lake Conservation Area, Cook County

- iv) All largemouth or smallmouth bass taken must be less than 12 inches in total length or greater than 15 inches in total length in the following waters:

Citizen's Lakes (North and South), City of Monmouth, Warren County

~~Dawson Lake, Moxaine View State Park, McLean County~~

Devil's Kitchen Lake, Crab Orchard Refuge, U.S. Fish and Wildlife Service, Williamson County

East Fork Lake, City of Olney, Richland County

Gillespie New City Lake, City of Gillespie, Macoupin County

Gladstone Lake, Henderson County Conservation Area, Henderson County

~~Lake Mingo and Ponds at Kennekuk Cove Park, Vermilion County Conservation District, Vermilion County~~

Lake Storey, City of Galesburg, Knox County

Little Grassy Lake, Crab Orchard Refuge, U.S. Fish and Wildlife Service, Williamson County

Mill Creek Lake, Clark County Park District, Clark County

Mt. Sterling Lake, City of Mt. Sterling, Brown County

Siloam Springs Lake, Siloam Springs

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

State Park, Adams and Brown Counties
Walnut Point Lake, Walnut Point State Park, Fish and Wildlife Area, Douglas County

- v) All largemouth (or smallmouth) bass taken must be 15 inches in total length or longer in the following waters:

Ashley Reservoir, City of Ashley, Washington County

Ashland City Reservoir, City of Ashland, Cass County

Beall Woods Lake, Beall Woods Conservation Area, Wabash County

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Cedar Lake, U.S. Forest Service and City of Carbondale, Jackson County

Centralia Lake, City of Centralia, Marion County

Coffeen Lake, Coffeen Lake Fish and Wildlife Area, Montgomery County

Crab Orchard Lake and Refuge Ponds, except Visitor Pond, Crab Orchard National Wildlife Refuge, U.S. Fish and Wildlife Service, Williamson County (see Section 810.40(c)(2)(B)(viii)).

Crawford County C.A. Ponds, Crawford County Conservation Area, Crawford County

~~Diamond Lake, Lake County~~

Gale Lake, Village of East Galesburg, Knox County

Gillespie Old City Lake, City of Gillespie, Macoupin County

DEPARTMENT OF CONSERVATION

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Glen Shoals Lake, City of Hillsboro,
Montgomery County

Governor Bond Lake, City of Greenville,
Bond County

Lake County Forest Preserve District
Lakes, County of Lake, Lake County

Lake Jacksonville, City of Jacksonville,
Morgan County

Lake Mingo and Ponds at Kennekuk Cove
Park, Vermillion County Conservation
District, Vermillion County

Lake Murphysboro, Murphysboro State
Park, Jackson County

Lake Springfield, City of Springfield,
Sangamon County

Lake Vermillion, Vermillion County
Conservation District, Vermillion County

Lake Williamsville, City of
Williamsville, Sangamon County

Little Sister Lake, ~~Gaen~~ Park
~~District~~ County of Fulton, Fulton County

Mazonia-Braidwood State Fish and
Wildlife Area Lakes and Ponds, Mazonia-
Braidwood State Fish and Wildlife Area,
Gundy County

Mundelein Park District Diamond Lake and
Park Ponds, City of Mundelein, Lake
County

Otter Lake, Otter Lake Water Commission,
Macoupin County

Red Hills Lake, Red Hills State Park,
Lawrence County

Sam Parr State Park, Jasper County

DEPARTMENT OF CONSERVATION

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Sangchris Lake, Sangchris Lake State
Park, Sangamon and Christian Counties

Silver Springs State Park Lakes and
Ponds, Silver Springs State Park,
Kendall County

Sparta City Lakes, City of Sparta,
Randolph County

Turner Lake, Chain O'Lakes State Park,
Lake County

Valley Lake, Wildwood Park District,
Lake County

Waverly Lake, City of Waverly, Morgan
County

Virginia City Reservoir, City of
Virginia, Cass County

vi) No more than one (1) largemouth or
smallmouth bass 15 inches in total
length or longer and two (2) largemouth
or smallmouth bass less than 15 inches
in total length may be taken daily in
the following waters:

vii) All largemouth or smallmouth bass taken
must be 18 inches in total length or
longer in the following waters:

Baldwin Lake, Baldwin Lake Conservation
Area, Randolph and St. Clair Counties

Heidecke Lake, Heidecke Lake State Fish
and Wildlife Area, Grundy County

Kinkaid Lake, Kinkaid Lake State Fish
and Wildlife Area, Jackson County

LaSalle Lake, LaSalle Power Station,
LaSalle County

Nashville City Lake, City of Nashville,
Washington County

DEPARTMENT OF CONSERVATION

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Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

- viii) All smallmouth bass taken must be 18 inches in total length or longer in the following waters:

Crab Orchard Lake and Refuge Ponds, except Visitor Pond, Crab Orchard National Wildlife Refuge, U.S. Fish and Wildlife Service, Williamson County, until such time as the water level reaches the spillway elevation of 405 feet mean sea level, at which time the length limit shall revert to 15 inches minimum (See Section 810.40(c)(2)(B)(v))

LaSalle Lake, LaSalle Fish and Wildlife Area, LaSalle County

- ix) Daily catch limit shall not exceed 3 largemouth bass or smallmouth bass, singly or in aggregate, in the following waters:

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Coffeen Lake, Coffeen Lake Fish and Wildlife Area, Montgomery County

Defiance, Tomahawk, Warrior and Wilderness Lakes, Moraine Hills State Park, McHenry County

~~Diamond Lake, City of Mendelein, Lake County~~

Gale Lake, ~~City of Galesburg~~ Village of East Galesburg, Knox County

Gillespie New City Lake, City of Gillespie, Macoupin County

Gillespie Old City Lake, City of Gillespie, Macoupin County

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Gladstone Lake, Henderson County Conservation Area, Henderson County

Glen Shoals Lake, City of Hillsboro, Montgomery County

Governor Bond Lake, City of Greenville, Bond County

Heidecke Lake, Heidecke Lake State Fish and Wildlife Area, Grundy County

Lake Kakusha, City of Mendota, LaSalle County

Little Sister Lake, County of Fulton, Fulton County

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Grundy and Will Counties

Mundelein Park District Diamond Lake and Park Ponds, City of Mundelein, Lake County

Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

Randolph County Lake, Randolph County Conservation Area, Randolph County

Rend Lake Project Ponds, U.S. Army Corps of Engineers, Franklin and Jefferson Counties

Sangchris Lake, Sangchris Lake State Park, Sangamon and Christian Counties

Valley Lake, Wildwood Park District, Lake County

- *† ~~All largemouth bass taken must be 18 inches in total length or longer in the following waters†~~

~~Heidecke Lake State Fish and Wildlife~~

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Area, Grundy County

Service, Williamson County

~~ii-xi~~ Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 6 fish per day, no more than one of which may be greater than 15 inches in length and none of which may be greater than 12 inches but less than 15 inches in length, in the following waters:

Argyle Lake, Argyle Lake State Park, McDonough County

Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area, Knox County

~~ii-xi~~ Daily Catch limit shall not exceed one (1) largemouth bass or smallmouth bass in the following waters:

Banner Marsh Lakes and Ponds, Banner Marsh State Fish and Wildlife Area, Peoria and Fulton Counties

LaSalle Lake, LaSalle Fish and Wildlife Area, LaSalle County

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

Lake County Forest Preserve District Lakes, Lake County Forest Preserve District, Lake County

Shabbona Lake, Shabbona Lake State Park, DeKalb County

Turner Lake, Chain O'Lakes State Park, Lake County

~~ii-xii~~ All largemouth bass taken must be 21 inches in total length or longer in the following waters:

Visitor Pond, Crab Orchard National Wildlife Refuge, U.S. Fish and Wildlife

~~ii-xiii~~ All smallmouth bass caught from the waters of the South Branch of the Kishwaukee River in DeKalb, Ogle and Winnebago Counties must be immediately released back into the River at the location they were caught until July 1, 1989.

3) MUSKELLUNGE, NORTHERN PIKE AND THEIR HYBRIDS

A) Statewide Regulations.

i) All muskellunge and muskellunge hybrids (tiger muskie) taken must be 30 inches in total length or longer.

ii) No more than 1 muskellunge or muskellunge hybrid (tiger muskie), either singly or in the aggregate may be taken per day.

iii) All northern pike taken must be 24 inches in total length or longer, except in the Mississippi River where there is no size limit.

iv) No more than 3 northern pike may be taken per day, except as specified under Site Specific Regulations.

B) Site Specific Regulations.

i) Daily catch limit shall not exceed 5 northern pike in that portion of the Mississippi River that lies between the State of Illinois and Iowa (River Miles 361.4 to 580.7).

ii) Daily catch limit shall not exceed 1 northern pike in that portion of the Mississippi River that lies between the States of Illinois and Missouri (River Miles 0.0 to 361.4).

4) CRAPPIE (BLACK AND WHITE CRAPPIE)

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A) Statewide Regulations.

There are no catch or size limits except in those waters listed under Site Specific Regulations.

tributary streams and those portions of the Kaskaskia River and Hurricane Creek up to the U.S. Army Corps of Engineers Carlyle Lake project boundaries) U.S. Army Corps of Engineers, Bond, Clinton and Fayette Counties

B) Site Specific Regulations.

i) All crappie taken from the following waters must be 9 inches in total length or longer:

Baldwin Lake, Baldwin Lake Conservation Area, Randolph and St. Clair Counties

iii) The daily catch limit is 25 crappie in the following waters:

Baldwin Lake, Baldwin Lake Conservation Area, Randolph and St. Clair Counties

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Clinton Lake, Clinton Lake State Recreation Area, DeWitt County

Clinton Lake, Clinton Lake State Recreation Area, DeWitt County

Coffeen Lake, Coffeen Lake State Fish and Wildlife Area, Montgomery County

East Fork Lake, City of Olney, Richland County

Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries), Lake Shelbyville Project Ponds and Woods Lake, U.S. Army Corps of Engineers, Shelby and Moultrie Counties

Governor Bond Lake, City of Greenville, Bond County

Ramsey Lake, Ramsey Lake State Park, Fayette County

Sangchris Lake, Sangchris Lake State Park, Sangamon and Christian Counties

Sangchris Lake, Sangchris Lake State Park, Sangamon and Christian Counties

ii) All crappie taken from the following waters must be 10 inches in total length or longer:

Carlyle Lake (including its

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Carlyle Lake (including its

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tributary streams and those portions of the Kaskaskia River and Hurricane Creek up to the U.S. Army Corps of Engineers Carlyle Lake project boundaries) U.S. Army Corps of Engineers, Bond, Clinton and Fayette Counties

Coffee Lake, Coffee Lake State Fish and Wildlife Area, Montgomery County

Lake Kakusha, City of Mendota, LaSalle County

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds.
Mazonia-Braidwood State Fish and Wildlife Area, Grundy and Will Counties

Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

Ramsey Lake, Ramsey Lake State Park, Fayette County

Shabbona Lake, Shabbona Lake State Park, DeKalb County

v) The daily catch limit is 5 crappie in the following waters:

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park, Stephenson County

Pierce Lake, Rock Cut State Park, Winnebago County

Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area, Knox County

5) BLUEGILL AND REDEAR SUNFISH

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A) Statewide Regulations.

There are no catch or size limits except in those waters listed under Site Specific Regulations.

B) Site Specific Regulations.

i) Daily catch limit is 25 bluegill and redear sunfish either singly or in the aggregate, in the following waters:

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

~~Champaign County Forest Preserve Park-Ponds, Champaign County~~

Lake Mingo and Ponds at Kennekuk GeveCove Park, Vermillion County Conservation District, Vermillion County

Lake Murphysboro, Lake Murphysboro State Park, Jackson County

Lake Storey, City of Galesburg, Knox County

Middle Fork Forest Preserve Ponds.
Champaign County Forest Preserve.
Champaign County

ii) Daily catch limit is 10 bluegill and redear sunfish, either singly or in the aggregate, in the following waters:

Citizen's Lakes (North and South), City of Monmouth, Warren County

Gale Lake, ~~City of Village of East~~ Galesburg, Knox County

Gladstone Lake, Henderson County Conservation Area, Henderson County

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Lake Kakusha, City of Mendota,
LaSalle County

Lake Le-Aqua-Na, Lake Le-Aqua-Na
State Park, Stephenson County

Little Sister Lake, ~~Gentien Park~~
~~Pittsfield~~ County of Fulton, Fulton
County

Shabbona Lake, Shabbona Lake State
Park, DeKalb County

iii) Daily catch limit is 5 bluegill and
redear sunfish, either singly or
in the aggregate, in the following
waters:

Pierce Lake, Rock Cut State Park,
Winnebago County

Snake Den Hollow Lakes, Snake Den
Hollow State Fish and Wildlife
Area, Knox County

6) STRIPED BASS (OCEAN ROCKFISH), WHITE BASS AND HYBRIDS

A) Statewide Regulations.

There is no daily catch limit or minimum
size limit for striped bass (ocean
rockfish), white bass, and their hybrids
which are less than 17 inches in total
length, except in those waters listed
under Site Specific Regulations. For
these fish 17 inches in total length or
longer, the daily limit is 3 fish, either
singly or in the aggregate.

B) Site Specific Regulations.

- i) All striped bass (ocean rockfish),
white bass and their hybrids taken
in the following waters must be 17
inches in total length or longer
and the daily catch limit is 3
fish, either singly or in the

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aggregate:

Baldwin Lake, Baldwin Lake
Conservation Area, Randolph and
St. Clair Counties

Cedar Lake, U.S. Forest Service and
City of Carbondale, Jackson County

Charleston Side Channel Lake, City
of Charleston, Coles County

Clinton Lake, Clinton Lake State
Recreation Area, DeWitt County

Crab Orchard Lake, Crab Orchard
Refuge, U.S. Fish and Wildlife
Service, Williamson County

Forbes Lake, Stephen A. Forbes
State Park, Marion County

Glen Shoals Lake, City of
Hillsboro, Montgomery County

Governor Bond Lake, City of
Greenville, Bond County

Lake Bloomington, City of
Bloomington, McLean County

Lake Vandalia, City of Vandalia,
Fayette County

Mazonia-Braidwood State Fish and
Wildlife Area Lakes and Ponds,
Mazonia-Braidwood State Fish and
Wildlife Area, Grundy and Will
Counties

Otter Lake, Otter Lake Water
Commission, Macoupin County

Pittsfield City Lake, City of
Pittsfield Pike County

Spring Lake, City of Macomb,
McDonough County

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Washington County Lake, Washington County Conservation Area, Washington County

- ii) No more than 10 striped bass (ocean rockfish) white bass and their hybrids, either singly or in the aggregate, may be taken per day with no more than 3 fish measuring 17 inches or greater in length:

Heidecke Lake State Fish and Wildlife Area, Grundy County

LaSalle Lake, LaSalle Fish and Wildlife Area, LaSalle County

Powerton Lake, Powerton Lake State Fish and Wildlife Area, Tazewell County

7) TROUT AND SALMON

A) Statewide Regulations.

Daily catch limit is 5 trout or salmon, either singly or in the aggregate, not more than 3 of which may be lake trout.

B) Site Specific Regulations.

- i) All trout and salmon taken in Lake Michigan must be 10 inches in total length or longer.

- ii) All trout taken in Piskasaw Creek, McHenry County, must be 9" or longer in total length.

- iii) The Department of Conservation will publicly announce in advance those areas that will be stocked during each spring and fall season.

- iv) It shall be illegal to possess trout during the period of March 15 to 5 a.m. on the first Saturday

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in April (both dates inclusive) which were taken during that period from the following waters:

Agricultural Center Pond, Dixon Springs Ag. Center, Pope County

Apple River, Jo Daviess County

Atwood Lake, McHenry County Conservation District, McHenry County

Big Lake, Silver Springs State Park, Kendall County

Bird Park Quarry, City of Kankakee, Kankakee County

Boston Pond, Stephen A. Forbes State Park, Marion County

Campus Pond, Eastern Illinois University, Coles County

Cave-in-Rock Pond, Cave-in-Rock State Park, Hardin County

Clear Lake, Kickapoo State Park, Vermilion County

Coleta Trout Pond, State of Illinois, Whiteside County

Ferne Clyffe Lake, Ferne Clyffe State Park, Johnson County

Forest Park Lagoon, City of Shelbyville, Shelby County

Frank Holten Main Lake, Frank Holten State Park, St. Clair County

Game Farm Pond, Mt. Vernon Game Farm, Jefferson County

Gebhard Woods Ponds, Gebhard Woods State Park, Grundy County

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Hennepin Canal, Hennepin Canal
Parkway State Park, Bureau County
Illinois Department of
Transportation Lake, Sangamon
County

Waddams Creek, Stephenson County
Washington Park Pond, Springfield
Park District, Sangamon County
Wyman Lake, City of Sullivan,
Moultrie County

Jones Park Lake, City of East St.
Louis, St. Clair County

Yellow Creek, Stephenson County

Jones State Lake Pond, Saline
County Conservation Area, Saline
County

It shall be illegal to possess
trout during the period of October
1 to 5 a.m. on the third Saturday
in October (both dates inclusive)
which were taken during that period
from the following waters:

Kent Creek, Winnebago County

Lake Milliken, Des Plaines
Conservation Area, Will County

Lake of the Woods and Elk's Pond,
Champaign County Forest Preserve
District, Champaign County

Agricultural Center Pond, Dixon
Springs Ag. Center, Pope County

Miller Park Lake, City of
Bloomington, McLean County

Argyle Lake, Argyle Lake State
Park, McDonough County

Pine Creek, Ogle County

Axehead Lake, Cook County Forest
Preserve, Cook County

Piscasaw Creek, McHenry County

Banana Lake, Lake County Forest
Preserve District, Lake County

Rock Creek, Kankakee County

Beall Woods Lake, Beall Woods State
Park, Wabash County

Rock Springs Pond, Macon Co.
Conservation District, Macon County

Beaver Dam Lake, Beaver Dam State
Park, Macoupin County

Sam Dale Pond, Sam Dale
Conservation Area, Wayne County

Belleau Lake, Cook County Forest
Preserve, Cook County

Sand Lake, Illinois Beach State
Park, Lake County

Big Lake, Silver Springs State
Park, Kendall County

Siloam Springs Lake, Siloam Springs
State Park, Adams County

Bird Park Quarry, City of Kankakee,
Kankakee County

Silver Lake, Forest Preserve
District of DuPage County, DuPage
County

Boston Pond, Stephen A. Forbes
State Park, Marion County

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Campus Pond, Eastern Illinois University, Coles County

Canton Park District Trout Pond, Canton Park District, Fulton County

Cave-in-Rock Pond, Cave-in-Rock State Park, Hardin County

Citizen's Lakes-North, City of Monmouth, Warren County

Clear Lake, Kickapoo State Park, Vermilion County

Coleta Trout Pond, State of Illinois, Whiteside County

Faries Park Pond, City of Decatur, Macon County

Ferne Clyffe Lake, Ferne Clyffe State Park, Johnson County

Forest Park Lagoon, City of Shelbyville, Shelby County

Frank Holten Main Lake, Frank Holten State Park, St. Clair County

Game Farm Pond, Mt. Vernon Game Farm, Jefferson County

Greenville Old City Lake, Greenville Park District, Bond County

Hennepin Canal, Hennepin Canal Parkway State Park, Bureau County

Highland Old City Lake, City of Highland, Madison County

Illinois Department of Transportation Lake, Sangamon County

Jones Park Lake, City of East St.

Louis, St. Clair County

Jones State Lake Pond, Saline County Conservation Area, Saline County

Mineral Springs Park Lagoon, City of Pekin, Tazewell County

Picnic Pond, Crawford County Conservation Area, Crawford County

Prospect Pond, City of Moline, Rock Island County

Randolph County Lake, Randolph County State Park, Randolph County

Sag Quarry (East), Cook County Forest Preserve, Cook County

Sam Dale Pond, Sam Dale Conservation Area, Wayne County

Siloam Springs Lake, Siloam Springs State Park, Adams County

Villa Grove West Lake, City of Villa Grove, Douglas County

Washington Park Pond, Springfield Park District, Sangamon County

8) WALLEYE AND SAUGER

A) Statewide Regulations.

Daily catch limit is 6 walleye or sauger, either singly or in the aggregate, except in those waters listed under Site Specific Regulations. There is no size limit except in those waters listed under Site Specific Regulations.

B) Site Specific Regulations.

- i) All walleye and sauger taken must be 14 inches in total length or

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longer in the following waters:

Banner Marsh Lakes (Johnson and Shovel), Banner Marsh State Fish and Wildlife Area, Peoria and Fulton Counties

Carlyle Lake, (including its tributary streams and those portions of the Kaskaskia River and Hurricane Creek up to the U.S. Army Corps of Engineers Carlyle Lake Project boundaries) U.S. Army Corps of Engineers, Bond, Clinton, and Fayette Counties

Cedar Lake, U.S. Forest Service and City of Carbondale, Jackson County

Clinton Lake, Clinton Lake State Recreation Area, DeWitt County

Dolan Lake, Hamilton County Conservation Area, Hamilton County

East Fork Lake, City of Olney, Richland County

Fox Ridge Lake, Fox Ridge State Park, Coles County

Heidecke Lake State Fish and Wildlife Area, Grundy County

Hennepin Canal, Hennepin Canal State Park, Rock Island, Henry, Bureau and Whiteside Counties

Kaskaskia River and all tributaries, Champaign, Douglas, Coles, Moultrie, Shelby, Fayette, Bond, Clinton, Washington, St. Clair, Monroe and Randolph Counties

Kincaid Lake, Kincaid Lake Fish and Wildlife Area, Jackson County

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Lake Bloomington, City of Bloomington, McLean County

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

Lake Decatur, City of Decatur, Macon County

Lake George, Loud Thunder Forest Preserve, Rock Island Forest Preserve District, Rock Island County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park, Stephenson County

Lake Mingo, Vermilion County Conservation District, Vermilion County

Lake Sara, City of Effingham, Effingham County

Lake Shelbyville, U. S. Army Corps of Engineers, Moultrie and Shelby Counties

Lake Springfield, City of Springfield, Sangamon County

Lake Vermilion and the portion of the North Fork of the Vermilion River between the Lake Vermilion Dam and the Interstate Water Company's Pump Station Spillway, Vermilion County Conservation District, Vermilion County

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Grundy and Will Counties

Mill Creek Lake, Clark County Park District, Clark County

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Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

Pierce Lake, Rock Cut State Park, Winnebago County

Pittsfield City Lake, City of Pittsfield, Pike County

Randolph County Lake, Randolph County Conservation Area, Randolph County

Schuyler Lake, City of Rushville, Schuyler County

Shabbona Lake, Shabbona Lake State Park, DeKalb County

Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area, Knox County

Sterling Lake, Lake County Forest Preserve District, Lake County

Wolf Lake, William W. Powers Conservation Area, Cook County

- ii) All walleye and sauger taken must be 16 inches in total length or longer in the following waters:

Busse Lake, Cook County Forest Preserve, Cook County

Tampier Lake, Cook County Forest Preserve, Cook County

Fox Chain O'Lakes, including the Fox River South of the Illinois Wisconsin line to the McHenry Dam, State of Illinois, Lake and McHenry Counties

- iii) All walleye and sauger taken must be 22 inches in total length or longer in the following waters:

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Powerton Lake, Tazewell County

- iv) Daily catch limit shall not exceed 10 walleye or sauger, either singly or in the aggregate, in the following waters:

That portion of the Mississippi River that lies between the State of Illinois and Iowa (River Miles 361.4 to 580.7).

- v) Daily catch limit shall not exceed 8 walleye or sauger, either singly or in the aggregate, in the following waters:

That portion of the Mississippi River that lies between the States of Illinois and Missouri (River Miles 0.0 to 361.4).

- vi) Daily catch limit shall not exceed 1 walleye or sauger, either singly or in the aggregate, in the following waters:

Powerton Lake, Tazewell County

(Source: Amended at 14 Ill. Reg. 6164, effective April 17, 1990)

Section 810.100 Bed Protection

- a) It is unlawful to operate any motorized vehicle upon the bed of any public water wholly or partially within the State of Illinois.

- b) The following vehicles are exempted from the above subsections:

- 1) vehicles operating under a permit issued by the Illinois Department of Transportation which allows operation on the bed of a public water;

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- 2) farm vehicles while being used for farming purposes; and
- 3) vehicles owned or operated by United States State of Illinois, or a political subdivision thereof.

(Source: Added at 14 Ill. Reg. 6164, effective April 17, 1990)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Payment Of Unemployment Contributions, Interest And Penalties
- 2) Code Citation: 56 Ill. Adm. Code 2765
- 3) Section Number: 2765.50
Adopted Action: Amended Section
2765.66 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 48, pars. 322, 382, 420, 431, 432, 433, 442, 451, 550, 551, 552, 553, 554, 555, 572.1, 573, 578, 579, 610, 611 and 750, as amended by P. A. 86-3, effective July 1, 1989).
- 5) Effective Date of the Amendment: April 16, 1990.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this Rule contain an incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: April 10, 1990.
- 9) Notice of Proposal published in Illinois Register: January 19, 1990 at 14 Ill. Reg. 1101.
- 10) Has JCAR issued a Statement of Objection to these Rules? No.
- 11) Difference between proposal and final version: In subsection (a) of Section 2765.66, "all interest, accrued upon unpaid contributions which are due and owing for any period prior to January 1, 1988, if the contributions were based on the payment of wages in" is added in the second line and "any interest upon contributions due and owing for a period prior to January 1, 1988 based on the" is deleted. An example is added to this subsection as (3), and two additional examples are added to subsection (c) of Section 2765.66.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.

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- 15) Summary and purpose of the rules: These amendments provide for good cause for the waiver of interest accrued with respect to contributions due prior to January 1, 1988 if the employer meets certain conditions with respect to reliance on the belief that certain workers were not in employment under the Act.

- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security
401 South State Street - 2 South
Chicago, Illinois 60605
312/793-4240

The full Text of the Adopted Amendments begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

PART 2765

PAYMENT OF UNEMPLOYMENT CONTRIBUTIONS, INTEREST AND PENALTIES

SUBPART A: GENERAL PROVISIONS

Section

2765.1	Unemployment Contributions Not Deductible From Wages
2765.5	Definitions
2765.10	Payment Of Contributions
2765.15	Liability For The Entire Year
2765.20	Contributions Of Employers By Election
2765.25	Payments In Lieu Of Contributions
2765.30	When Payments In Lieu Of Contributions Payable
2765.35	Payments When Reimbursable Employer Becomes Contributory
2765.40	Payments When Contributory Employer Becomes Reimbursable
2765.45	Application Of Payment
2765.50	Accrual Of Interest
2765.55	Imposition Of Penalty
2765.60	Payment Or Filing By Mail
2765.63	When Payment Due And Consequences Of Upward Revision In Employer's Contribution Rate
2765.65	Waiver Of Interest Or Penalty
2765.66	Waiver Of Interest Accruing Because Of Certain Types Of Employees For Periods Prior To January 1, 1988
2765.68	Waiver Of Penalty For Certain Employers For 1987 And Thereafter Wage Reports (UC-3/40)
2765.70	Time For Paying Or Filing Delayed Payment Or Report
2765.75	Application For Waiver
2765.80	Approval Of Application For Waiver
2765.85	Insufficient Or Incomplete Application
2765.90	Disapproval Of Application Conclusive
2765.95	Appeal And Hearing

SUBPART B: EXPERIENCE RATING

- 2765.200 Effect Of A Successor Employing Unit's Failure To Notify The Director Of Its Succession

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SUBPART C: BENEFIT CHARGES

- 2765.325 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
- 2765.326 Requirement For A Separation Or A Reduction In The Work Offered In Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
- 2765.332 Effect Of Ineligibility Under Section 602(B) On Chargeability Under Section 1502.1 Of The Act
- 2765.333 Effect Of Ineligibility Under Section 612 On Chargeability Under Section 1502.1 Of The Act
- 2765.334 Effect Of Ineligibility Under Section 614 On Chargeability Under Section 1502.1 Of The Act
- 2765.335 Procedural Requirements And Right Of Appeal

AUTHORITY: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1508, 1509, 1700, 1701 and 2600 of the Unemployment Insurance Act (Ill. Rev. Stat. 1987, ch. 48, pars. 322, 382, 420, 431, 432, 433, 442, 451, 550, 551, 552, 553, 554, 555, 572.1, 573, 578, 579, 610, 611 and 750, as amended by P. A. 86-3, effective July 1, 1989).

SOURCE: Adopted at 6 Ill. Reg. 3863, effective March 31, 1982; amended at 7 Ill. Reg. 13266, effective September 28, 1983; recodified at 8 Ill. Reg. 15027; amended at 11 Ill. Reg. 3972, effective February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendments at 12 Ill. Reg. 225, effective January 1, 1988, for a maximum of 150 days, emergency expired May 30, 1988; amended at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; amended at 12 Ill. Reg. 20484, effective November 28, 1988; emergency amendments at 13 Ill. Reg. 11911, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17410, effective October 30, 1989; amended at 14 Ill. Reg. 6218, effective April 16, 1990.

SUBPART A: GENERAL PROVISIONS

Section 2765.50 Accrual of Interest

- a) The contributions or payments in lieu of contributions (reimbursements) shall bear interest from the day

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following the due date of such contributions or reimbursements, up to and including the day payment is made, as shown by the date of the postmark thereon, if mailed; except that, after December 31, 1987, payments received more than 30 days after the due date shall be deemed to have been received on the last day of the month preceding the month in which such payment is received. For example, a payment which was due on April 30, 1988, but received on July 14, 1988, shall be deemed, for the purpose of calculating interest, to have been received on June 30, 1988. Interest accrues at the rate of 1% per month and 1/30 of 1% per day or fraction thereof through December 31, 1981. After 1981, such interest will accrue at the rate of 2% per month, calculated at 12/365 of 2% for each day.

- b) The Director may waive interest for good cause as provided in Sections 2765.65 and 2765.66.

(Source: Amended at 14 Ill. Reg. 6218, effective 4/16/90.)

Section 2765.66 Waiver Of Interest Accruing Because Of Certain Types Of Employees For Periods Prior To January 1, 1988

- a) The Director shall find good cause for the waiver of all interest, accrued upon unpaid contributions which are due and owing for any period prior to January 1, 1988, if the contributions were based on the payment of wages in employment to an individual where:

- 1) The employer or its predecessor has not treated any individual holding a substantially similar position as an employee for purposes of the Act, or for Federal Unemployment Tax Act (FUTA), Internal Revenue Code or Social Security Act purposes, and;
- 2) The employer's treatment of such individual was in reasonable reliance upon:
 - A) A judicial precedent or an Internal Revenue Service letter ruling for the employer; or,
 - B) A past agency audit of such employer where there was no assessment attributable to

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the treatment of individuals holding positions substantially similar to the position held by such individual; or,

- c) A long-standing industry practice recognized by a significant segment of the industry in which such individual or employer is engaged.

- 3) Example: Pursuant to this subsection, an employer requests a waiver of interest on contributions which were due and owing for the first quarter of 1987. Contributions for the first quarter of 1987 became due and owing on April 30, 1987 but had not been paid because the employer appealed a determination and assessment covering this period. The waiver, if granted, would cover all interest which accrued from May 1, 1987 through the date that payment of the contributions was made. The employer must pay all contributions due for the first quarter of 1987 as a condition precedent to the granting of waiver.

- b) The provisions of Section 2765.70 shall not be applicable to requests for waiver under this Section.

- c) The payment of all contributions assessed, within 30 days from the effective date of this Section or within 30 days from the date that such assessment becomes final, if such date is later, is a condition precedent to an application for waiver (see Section 2765.75) pursuant to this Section.

- 1) Example: During the course of a hearing pursuant to 56 Ill. Adm. Code 2725.200 et seq., the employing unit requests, on the record, that, if the subject assessment is affirmed, in full or in part, it be granted waiver pursuant to this Section. If it is recommended that the assessment be affirmed, in full or in part, the Director's Representative shall also recommend a decision with respect to the request for waiver. If such recommendation is to deny, objections may be filed in the same manner and within the same time limits as set forth in 56 Ill. Adm. Code 2725.275. If the request for waiver is granted, but the contributions assessed are not paid within 30 days

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from the date that the assessment becomes final, then the request for waiver shall be deemed to have been denied as of the date of the decision which had granted the waiver.

- 2) Example: An employer meets the requirements for waiver pursuant to subsection (a) with respect to wages for services which were the subject of a determination and assessment which became final on February 13, 1988. If this employer has not yet paid this assessment, it has 30 days from the effective date of this rule to pay the contributions due and file its application for waiver.

- 3) Example: An employer meets the requirements for waiver pursuant to subsection (a) with respect to wages for services which are the subject of a determination and assessments which become final after the effective date of this rule. This employer has 30 days from the date that this assessment becomes final to pay the contributions due and file its application for waiver.

- d) Notwithstanding any other provisions of this part, no employer shall be entitled to a refund or credit of any interest paid prior to the adoption of this Section.

(Source: Added at 14 Ill. Reg. 6218, effective 4/16/90)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hazardous Waste Management System: General
- 2) Code Citation: 35 Ill. Adm. Code 720
- 3) Section Numbers:
720.111, 720.122
Adopted Action:
Amendment
- 4) Statutory Authority: 111. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027.
- 5) Effective Date of Amendment: April 16, 1990
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Does this Amendment contain incorporations by reference?
Yes. The amendment to this Part updates references to federal regulations.
- 8) Date filed in Board's Principal Office: Order adopted March 8, 1990
- 9) Notice of Proposal Published in Illinois Register:
January 5, 1990; 14 Ill. Reg. 72.
- 10) Has JCAR issued a Statement of Objections to these rules? No.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

- 11) Differences between proposal and final version:

Minor editorial differences. Section 720.111 was amended in R89-2 between the proposed and final version.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

- 13) Will this Amendment replace an emergency Amendment currently in effect?

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

No.

- 14) Are there any other amendments pending on this Part? Yes. In R89-11.

Section Numbers Proposed Action Illinois Register Citation

720.111 Amendment March 2, 1990; 14 Ill. Reg. 3006

- 15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of March 8, 1990, in R89-9, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to the first notice or second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1989.

The amendments to 35 Ill. Adm. Code 720 update incorporations by reference of USEPA rules.

- 16) Information and questions regarding this adopted Amendment shall be directed to:

Morton F. Dorothy
Scientific/Technical Section
Illinois Pollution Control Board
104 W. University
Urbana, IL 61801
217/ 333-5575

The full text of the Adopted Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Purpose, Scope and Applicability
Availability of Information; Confidentiality of Information
Use of Number and Gender

Section
720.101
720.102
720.103

SUBPART B: DEFINITIONS

Section
720.110
720.111

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section
720.120
720.121
720.122
720.130
720.131
720.132
720.133
720.140
720.141

Rulemaking
Alternative Equivalent Testing Methods
Waste Delisting
Procedures for Solid Waste Determinations
Solid Waste Determinations
Boiler Determinations
Procedures for Determinations
Additional regulation of certain hazardous waste Recycling
Activities on a case-by-case Basis
Procedures for case-by-case regulation of hazardous waste Recycling
Activities

Appendix A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective

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August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990.

SUBPART B: DEFINITIONS

Section 720.111 References

a) The following publications are incorporated by reference:

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000:

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December, 1987.

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API Recommended Practice 1632, Second Edition, December, 1987.

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November, 1987.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, (212) 705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3 - 1987, as supplemented by B31.3a - 1988 and B31.3b - 1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4 - 1986, as supplemented by B31.4a - 1987. Also available from ANSI.

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ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

"ASTM Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester," ASTM Standard D-3828-87.

"ASTM Standard Test Methods for Flash Point Pensky-Martens Closed Tester," ASTM Standard D-93-79 or D-93-80.

GP0. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, (713) 492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000 or (800) 344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677)

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", EPA-530/SW-611, 1977. (Document number PB 84-174820)

"Test Methods for Evaluating Solid Waste, Physical/Chemical

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Methods," EPA Publication number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II (April, 1985)) (Document number PB 87-120291)

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, (312) 498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

10 CFR 20, Appendix B -~~(1988)~~-(1989)

40 CFR 136 -~~(1988)~~-(1989)

40 CFR 142 -~~(1988)~~-(1989)

40 CFR 220 -~~(1988)~~-(1989)

40 CFR 260.20 -~~(1988)~~-(1989)

40 CFR 264 -~~(1988)~~-(1989)

40 CFR 302.4, 302.5 and 302.6 -~~(1988)~~-(1989)

40 CFR 761 -~~(1988)~~-(1989)

c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended through December 31, 1987.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 14 Ill. Reg. 6225, effective April 16, 1990)

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 720.122 Waste Delisting

- a) General delistings or delisting of specific wastes from specific sources which have been adopted by USEPA may be proposed as state regulations which are identical in substance pursuant to Section 720.120(a).
- b) Delistings which have not been adopted by USEPA may be proposed to the Board pursuant to Section 720.120(b); however, this does not infer that the Board has authority to adopt such delistings. The Board will determine whether it has authority to delist such wastes on a case-by-case basis.
- c) The Agency may determine in a permit or a letter directed to a generator that, based on 35 Ill. Adm. Code 721, a waste from a particular source is not subject to these regulations. Such a finding is evidence against the Agency in any subsequent proceedings but shall not be conclusive with reference to other persons or the Board.
- d) The Board incorporates by reference 40 CFR 260.22 (1988), as amended at 54 Fed. Reg. 27116, June 27, 1989. This Section incorporates no future amendments or editions. Any petition to delist directed to the Board or request for determination directed to the Agency shall include the information required by 40 CFR 260.22 ~~-(1988)~~ -and a showing that the delisting needs to be adopted as a part of the Illinois RCRA program.
- e) Waste delistings will not be approved if the result would make the Illinois program less than substantially equivalent to the federal.
- f) Delistings will apply only within Illinois. Generators ~~must~~-shall comply with 35 Ill. Adm. Code 722 for waste which is hazardous in any state to which it is to be transported.

(Source: Amended at 14 Ill. Reg. 6225, effective April 16, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Land Disposal Restrictions
- 2) Code Citation: 35 Ill. Adm. Code 728
- 3) Section Numbers:
728.134
728.142, 728.143, Table A, Table B
Adopted Action:
New Section
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1988 Supp. ch. 111 1/2, pars. 1022.4 and 1027.
- 5) Effective Date of Amendment: April 16, 1990
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Does this Amendment contain incorporations by reference? No.
- 8) Date filed in Board's Principal Office: Order adopted March 8, 1990
- 9) Notice of Proposal Published in Illinois Register:
January 5, 1990; 14 Ill. Reg. 79.
- 10) Has JCAR issued a Statement of Objections to these rules? No.
Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 11) Differences between proposal and final version:
Minor editorial differences. The proposed entry in Table A for "F028 non-wastewaters" has been corrected to read "K028 non-wastewaters". In Table B, "K026 non-wastewaters" has been corrected to read "K028 non-wastewaters"
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?
Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 13) Will this Amendment replace an emergency Amendment currently in effect?
No.

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14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of March 8, 1990, in R89-9, which Opinion is available from the address below.
Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1989.

The amendments to 35 Ill. Adm. Code 728 mainly concern the "second third" wastes under the HSWA amendments to the federal RCRA Act. There are also amendments to the "first third" land disposal restrictions.

16) Information and questions regarding this adopted Amendment shall be directed to:

Morton F. Dorothy
Scientific/Technical Section
Illinois Pollution Control Board
104 W. University
Urbana, IL 61801
217/ 333-5575

The full text of the Adopted Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728
LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
728.101	Definitions
728.102	Dilution Prohibited as a Substitute for Treatment
728.103	Treatment Surface Impoundment Exemption
728.104	Procedures for case-by-case Extensions to an Effective Date
728.105	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.106	Waste Analysis
728.107	Landfill and Surface Impoundment Disposal Restrictions
728.108	

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	Waste Specific Prohibitions -- Solvent Wastes
728.130	Waste Specific Prohibitions -- Dioxin-Containing Wastes
728.131	Waste Specific Prohibitions -- California List Wastes
728.132	Waste Specific Prohibitions -- First Third Wastes
728.133	Waste Specific Prohibitions -- Second Third Wastes
728.134	Statutory Prohibitions
728.139	

SUBPART D: TREATMENT STANDARDS

Applicability of Treatment Standards
Treatment Standards expressed as Concentrations in Waste Extract
Treatment Standards expressed as Specified Technologies
Treatment Standards expressed as Waste Concentrations
Adjustment of Treatment Standard

SUBPART E: PROHIBITIONS ON STORAGE

Prohibitions on Storage of Restricted Wastes

Constituent Concentrations in Waste Extract (CCWE)
Constituent Concentrations in Waste (CCW)
Toxicity Characteristic Leaching Procedure (TCLP)
Treatment Standards (As concentrations in the Treatment Residual Extract)
List of Halogenated Organic Compounds

Section
728.150

Table A
Table B
Appendix A
Appendix B
Appendix C

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990.

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.134 Waste Specific Prohibitions -- Second Third Wastes

a) The following wastes are prohibited from land disposal.

1) The wastes specified in 35 Ill. Adm. Code 721.131 as USEPA hazardous waste numbers:

F010
F024

2) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers:

K005
K007
K009 (nonwastewaters)
K010
K023
K027
K028
K029 (nonwastewaters)
K036 (wastewaters)
K038
K039
K040
K043
K093
K094
K095 (nonwastewaters)
K096 (nonwastewaters)
K113
K114
K115
K116

3) The wastes specified in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers:

P013
P021
P029
P030
P039
P040
P041
P043
P044
P062
P063
P071
P074
P085
P089
P094
P097
P098
P099
P104
P106
P109
P111
P121
U028
U058
U069
U087
U088
U102
U107
U221
U223
U235

b) The following wastes are prohibited from land disposal, except when they are injected into a UIC well pursuant to 35 Ill. Adm. Code 738.114(f) or 738.115(d) USEPA hazardous waste numbers:

K009 (wastewaters)
K011 (nonwastewaters)
K013 (nonwastewaters)
K014 (nonwastewaters)

c) The following wastes are prohibited from land disposal: The wastes specified in 35 Ill. Adm. Code 721.131 as USEPA hazardous waste numbers:

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F006 -- cyanide (nonwastewater)

F008

F009

F011 (wastewaters)

F012 (wastewaters)

1) The following waste is prohibited from land disposal except when it is injected into a UIC well pursuant to 35 Ill. Adm. Code 738.114(f): The waste specified in 35 Ill. Adm. Code 721.131 as USEPA hazardous waste number F007.

2) The following wastes are prohibited from land disposal pursuant to the treatment standards specified in Sections 728.141 or 728.143 applicable to those wastes:

F011 (nonwastewaters)

F012 (nonwastewaters)

d) Effective June 8, 1991, the following wastes are prohibited from land disposal: The wastes specified in this Section having a treatment standard in Subpart D based on incineration, and which are contaminated soil and debris.

e) Until June 8, 1991, wastes included in subsections (c) and (d) may be disposed in a landfill or surface impoundment, regardless whether such unit is a new, replacement or lateral expansion unit, only if such unit is in compliance with the technical requirements specified in 40 CFR 268.5(h)(2), incorporated by reference in Section 728.105.

f) The requirements of subsections (a), (b), (c) and (d) do not apply if:

1) The wastes meet the applicable standards specified in Subpart D; or

2) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition.

g) The requirements of subsections (a), (b) and (c) do not apply if persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.

h) Until May 8, 1990, the second third wastes specified in 40 CFR 268.11 (1989) for which treatment standards under Subpart D are not applicable, including California list wastes subject to the statutory

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prohibitions of Section 728.139 or codified prohibitions under Section 728.132, are prohibited from disposal in a landfill or surface impoundment unless the wastes are subject to a valid demonstration and certification pursuant to Section 728.108.

i) To determine whether a hazardous waste exceeds the applicable treatment standards specified in Section 728.141 or 728.143, the initial generator shall test a representative sample of the waste extract, or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable Subpart D levels, the waste is prohibited from land disposal and all the requirements of this Part are applicable, except as otherwise specified.

(Source: Added at 14 Ill. Reg. 6232, effective April 16, 1990)

SUBPART D: TREATMENT STANDARDS

Section 728.142 Treatment Standards expressed as Specified Technologies

a) The following wastes must be treated using the identified technology or technologies, or an equivalent method approved under subsection (b).

1) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated in accordance with technical requirements at 40 CFR 761.70, incorporated by reference in 35 Ill. Adm. Code 720.111, or burned in high efficiency boilers in accordance with the technical requirements of 40 CFR 761.60. Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70. Thermal treatment in accordance with this Section must be in compliance with applicable regulations in 35 Ill. Adm. Code 724, 725 and 726.

2) Nonliquid hazardous wastes containing halogenated organic compounds (HOCs) in total concentrations greater than or equal to 1000 mg/kg and liquid HOC-containing wastes that are prohibited under Section 728.132(e)(1) must be incinerated in accordance with the requirements of 35 Ill. Adm. Code 724, Subpart 0 or 35 Ill. Adm. Code 725, Subpart 0, or in boilers or industrial furnaces, as defined in 35 Ill. Adm. Code 720, burning in accordance with ~~applicable regulatory standards~~ 35 Ill. Adm. Code 726. These treatment standards do not apply where the waste is subject to a Subpart C treatment standard for a specific HOC (such as a hazardous waste chlorinated solvent

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for which a treatment standard is established under Section 728.141(a)).

- 3) The nonwastewater form of the following hazardous wastes must be incinerated in accordance with the requirements of 35 Ill. Adm. Code 724.Subpart 0, or 35 Ill. Adm. Code 725.Subpart 0, or burned in boilers or industrial furnaces, as defined in 35 Ill. Adm. Code 720, in accordance with 35 Ill. Adm. Code 726:

K027
K039
K113
K114
K115
K116
P040
P041
P043
P044
P062
P085
P109
P111
U058
U087
U221
U223

- 4) The wastewater form of the following hazardous wastes must be treated by carbon adsorption, or incineration, or pretreatment followed by carbon adsorption:

K027
K039
K113
K114
K115
K116
P040
P041
P043
P044
P062
P085
P109
P111
U058
U087

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U221
U223

- b) Any person may submit an application to the Agency demonstrating that an alternative treatment method can achieve a level of performance equivalent to that achievable by methods specified in subsection (a). The applicant shall submit information demonstrating that the applicant's treatment method is in compliance with federal and state requirements, including this Part, 35 Ill. Adm. Code 709, 724, 725, 726 and 729 and Sections 22.6 and 39(h) of the Environmental Protection Act (Ill. Rev. Stat. -1985-1987, ch. 111 1/2, pars. 1022.6 and 1039(h)), and is protective of human health or the environment. On the basis of such information and any other available information, the Agency shall approve the use of the alternative treatment method if the Agency finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in subsection (a). Any approval must be stated in writing and may contain such provisions and conditions as the Agency determines to be appropriate. The person to whom such certification is issued shall comply with all limitations contained in such determination.

(Source: Amended at 14 Ill. Reg. 6232, effective April 16, 1990)

Section 728.143 Treatment Standards expressed as Waste Concentrations

- a) Table B identifies the restricted wastes and concentrations of their associated hazardous constituents which must not be exceeded by the waste or treatment residual (not an extract of such waste or treatment residual) for the allowable land disposal of such waste or residual. The wastewater and nonwastewater treatment standards in Table B are based on analysis of grab samples except the wastewater treatment standards that are based on analysis of composite samples for wastes, K009, K010, K036, K038, K040, P039, P071, P089, P094, P097 and U235.

- b) When wastes with different treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

(Source: Amended at 14 Ill. Reg. 6232, effective April 16, 1990)

Section 728.144 Constituent Concentrations in Waste Extract (CCWE)

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F001 -- F005 Spent Solvents	Concentration (in mg/L)	
	Wastewaters containing spent solvents	All other spent solvent wastes
Acetone	0.05	0.59
n-Butyl alcohol	5.0	5.0
Carbon disulfide	1.05	4.81
Carbon tetrachloride	0.05	0.96
Chlorobenzene	0.15	0.05
Cresols (and cresylic acid)	2.82	0.75
Cyclohexanone	0.125	0.75
1,2-Dichlorobenzene	0.65	0.125
Ethyl acetate	0.05	0.75
Ethylbenzene	0.05	0.053
Ethyl ether	0.05	0.75
Isobutanol	5.0	5.0
Methanol	0.25	0.75
Methylene chloride	0.20	0.96
Methyl ethyl ketone	0.05	0.75
Methyl isobutyl ketone	0.05	0.33
Nitrobenzene	0.66	0.125
Pyridine	1.12	0.33
Tetrachloroethylene	0.079	0.05
Toluene	1.12	0.33
1,1,1-Trichloroethane	1.05	0.41
1,1,2-Trichloro-1,2,2-trifluoroethane	1.05	0.96
Trichloroethylene	0.062	0.091
Trichlorofluoromethane	0.05	0.96
Xylene	0.05	0.15

F006 nonwastewaters (see also Table B)		Concentration (in mg/L)
Cadmium		0.066
Chromium (Total)		5.2
Lead		0.51
Nickel		0.32
Silver		0.072
-Guanides (Total)		Reserved-

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F007, F008 and F009 Nonwastewaters See also Table B		Concentration (in mg/L)
Cadmium		0.066
Chromium (total)		5.2
Lead		0.51
Nickel		0.32
Silver		0.072

F011 and F012 Nonwastewaters See also Table B		Concentration (in mg/L)
Cadmium		0.066
Chromium (total)		5.2
Lead		0.51
Nickel		0.32
Silver		0.072

F024 Nonwastewaters See also Table B		Concentration (in mg/L)
Chromium (total)		Reserved
Nickel		Reserved

K028 Nonwastewaters See also Table B		Concentration (in mg/L)
Chromium (total)		Reserved
Nickel		Reserved

F020 -- F023 and F026 -- F028 Dioxin Containing Wastes		Concentration (Maximum)
HxCDD -- All Hexachlorodibenzo-p-dioxins		1 ppb
HxCDF -- All Hexachlorodibenzofurans		1 ppb
PeCDD -- All Pentachlorodibenzo-p-dioxins		1 ppb
PeCDF -- All Pentachlorodibenzofurans		1 ppb
TCDD -- All Tetrachlorodibenzo-p-dioxins		1 ppb
TCDF -- All Tetrachlorodibenzofurans		1 ppb

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2,4,5-Trichlorophenol
2,4,6-Trichlorophenol
2,3,4,6-Tetrachlorophenol
Pentachlorophenol

0.05 ppm
0.05 ppm
0.10 ppm
0.01 ppm

K001 nonwastewaters (see also Table B)	Concentration (in mg/L)
Lead	0.51

K022 nonwastewaters (see also Table B)	Concentration (in mg/L)
Chromium (Total)	5.2
Nickel	0.32

K046 nonwastewaters (Nonreactive Subcategory)	Concentration (in mg/L)
Lead	0.18

K048, K049, K050, K051 and K052 nonwastewaters (see also Table B)	Concentration (in mg/L)
Arsenic	0.004
Chromium (Total)	1.7
Nickel	0.048
Selenium	0.025

K061 nonwastewaters (Low Zinc Subcategory-less than 15% total zinc)	Concentration (in mg/L)
Cadmium	0.14
Chromium (Total)	5.2
Lead	0.24
Nickel	0.32

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K061 nonwastewaters (High Zinc Subcategory-15% or greater total zinc) effective until 8/8/90	Concentration (in mg/L)
Cadmium	0.14
Chromium (Total)	5.2
Lead	0.24
Nickel	0.32

K062 nonwastewaters	Concentration (in mg/L)
Chromium (Total)	0.094
Lead	0.37

K071 nonwastewaters	Concentration (in mg/L)
Mercury	0.025

K086 nonwastewaters (Solvent Washes Subcategory) (see also Table B)	Concentration (in mg/L)
Chromium (Total)	0.094
Lead	0.37

K087 nonwastewaters (see also Table B)	Concentration (in mg/L)
Lead	0.51

K101 and K102 nonwastewaters (Low Arsenic Subcategory- less than 1% Total Arsenic) (see also Table B)	Concentration (in mg/L)
Cadmium	0.066
Chromium (Total)	5.2
Lead	0.51
Nickel	0.32

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K115 Nonwastewaters
See also Table BConcentration
(in mg/L)Nickel0.32P074 Nonwastewaters
See also Table BConcentration
(in mg/L)Nickel0.32P099 Nonwastewaters
See also Table BConcentration
(in mg/L)Silver0.072P104 Nonwastewaters
See also Table BConcentration
(in mg/L)Sliver0.072

(Source: Amended at 14 Ill. Reg. 6232, effective April 16, 1990)

Section 728. Table B Constituent Concentrations in Waste (CCW)

F001, F002, F003, F004 and F005 wastewaters
(Pharmaceutical Industry)
Methylene chlorideConcentration
(in mg/L)
0.44F006 nonwastewaters (see also Table A)Concentration
(in mg/kg)Cyanides (Total)
Cyanides (Amenable)-Reserved-590.
30.

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F007, F008 and F009 Nonwastewaters
See also Table AConcentration
(in mg/kg)Cyanides (Total)
Cyanides (Amenable)590.
30.F007, F008 and F009 Wastewaters
See also Table AConcentration
(in mg/L)Cyanides (Total)
Cyanides (Amenable)
Chromium (Total)
Lead
Nickel1.9
0.10
0.32
0.04
0.44F010 NonwastewatersConcentration
(in mg/kg)Cyanides (Total)1.5F010 WastewatersConcentration
(in mg/L)Cyanides (Total)
Cyanides (Amenable)1.9
0.10F011 and F012 NonwastewatersConcentration
(in mg/kg)Cyanides (Total)
Cyanides (Amenable)110.
9.1F011 and F012 Wastewaters
See also Table AConcentration
(in mg/L)Cyanides (Total)
Cyanides (Amenable)1.9
0.10

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Chromium (Total)

Lead	0.32
Nickel	0.04
	0.44

F024 NonwastewatersSee also Table A

	Concentration (in mg/kg)
2-Chloro-1,3-butadiene	0.28
3-Chloropropene	0.28
1,1-Dichloroethane	0.014
1,2-Dichloroethane	0.014
1,2-Dichloropropane	0.014
cis-1,3-Dichloropropene	0.014
trans-1,3-Dichloropropene	0.014
Diethylhexyl phthalate	1.8
Hexachloroethane	1.8
Hexachlorodibenzofurans	0.001
Hexachlorodibenzo-p-dioxins	0.001
Pentachlorodibenzofurans	0.001
Pentachlorodibenzo-p-dioxins	0.001
Tetrachlorodibenzofurans	0.001

F024 WastewatersSee also Table A

	Concentration (in mg/L)
2-Chloro-1,3-butadiene	0.28
3-Chloropropene	0.28
1,1-Dichloroethane	0.014
1,2-Dichloroethane	0.014
1,2-Dichloropropane	0.014
cis-1,3-Dichloropropene	0.014
trans-1,3-Dichloropropene	0.014
Diethylhexyl phthalate	0.036
Hexachloroethane	0.036
Hexachlorodibenzofurans	0.001
Hexachlorodibenzo-p-dioxins	0.001
Pentachlorodibenzofurans	0.001
Pentachlorodibenzo-p-dioxins	0.001
Tetrachlorodibenzofurans	0.001
Chromium (Total)	0.35
Nickel	0.47

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K001 nonwastewaters (see also Table A)

	Concentration (in mg/kg)
Naphthalene	8.0
Pentachlorophenol	37.
Phenanthrene	8.0
Pyrene	7.3
Toluene	0.14
Xylenes	0.16

K001 wastewaters

	Concentration (in mg/L)
Naphthalene	0.15
Pentachlorophenol	0.88
Phenanthrene	0.15
Pyrene	0.14
Toluene	0.14
Xylenes	0.16
Lead	0.037

K009 and K010 Nonwastewaters

	Concentration (in mg/kg)
Chloroform	6.0

K009 and K010 Wastewaters

	Concentration (in mg/L)
Chloroform	0.10

K011, K013 and K014 Nonwastewaters

	Concentration (in mg/kg)
Acetonitrile	1.8
Acrylonitrile	1.4
Acrylamide	23.
Benzene	0.03
Cyanides (Total)	57.

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K015 wastewaters	Concentration (in mg/L)
Anthracene	1.0
Benzal chloride	0.28
Benzo (b or k) fluoranthene	0.29
Phenanthrene	0.27
Toluene	0.15
Chromium (Total)	0.32
Nickel	0.44

K016 nonwastewaters	Concentration (in mg/kg)
Hexachlorobenzene	28.
Hexachlorobutadiene	5.6
Hexachlorocyclopentadiene	5.6
Hexachloroethane	28.
Tetrachloroethene	6.0

K016 wastewaters	Concentration (in mg/L)
Hexachlorobenzene	0.033
Hexachlorobutadiene	0.007
Hexachlorocyclopentadiene	0.007
Hexachloroethane	0.033
Tetrachloroethene	0.007

K018 nonwastewaters	Concentration (in mg/kg)
Chloroethane	6.0
1,1-Dichloroethane	6.0
1,2-Dichloroethane	6.0
Hexachlorobenzene	28.
Hexachlorobutadiene	5.6
Hexachloroethane	28.
Pentachloroethane	5.6
1,1,1-Trichloroethane	6.0

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K018 wastewaters	Concentration (in mg/L)
Chloroethane	0.007
Chloromethane	0.007
1,1-Dichloroethane	0.007
1,2-Dichloroethane	0.007
Hexachlorobenzene	0.033
Hexachlorobutadiene	0.007
Pentachloroethane	0.007
1,1,1-Trichloroethane	0.007

K019 nonwastewaters	Concentration (in mg/kg)
Bis(2-chloroethyl) ether	5.6
Chlorobenzene	6.0
Chloroform	6.0
1,2-Dichloroethane	6.0
Hexachloroethane	28.
Naphthalene	5.6
Phenanthrene	5.6
Tetrachloroethene	6.0
1,2,4-Trichlorobenzene	19.
1,1,1-Trichloroethane	6.0

K019 wastewaters	Concentration (in mg/L)
Bis(2-chloroethyl) ether	0.007
Chlorobenzene	0.006
Chloroform	0.007
p-Dichlorobenzene	0.008
1,2-Dichloroethane	0.007
Fluorene	0.007
Hexachloroethane	0.033
Naphthalene	0.007
Phenanthrene	0.007
1,2,4,5-Tetrachlorobenzene	0.017
Tetrachloroethene	0.007
1,2,4-Trichlorobenzene	0.023
1,1,1-Trichloroethane	0.007

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K020 nonwastewaters	Concentration (in mg/kg)
1,2-Dichloroethane	6.0
1,1,2,2-Tetrachloroethane	5.6
Tetrachloroethene	6.0

K020 wastewaters	Concentration (in mg/L)
1,2-Dichloroethane	0.007
1,1,2,2-Tetrachloroethane	0.007
Tetrachloroethene	0.007

K022 nonwastewaters (see also Table A)	Concentration (in mg/kg)
Acetophenone	19.
Sum of Diphenylamine and Diphenyl Nitrosamine	13.
Phenol	12.
Toluene	0.034

K023, K093 and K094 Nonwastewaters	Concentration (in mg/kg)
Phthalic anhydride (measured as Phthalic acid)	28.

K023, K093 and K094 Wastewaters	Concentration (in mg/L)
Phthalic anhydride (measured as Phthalic acid)	0.54

K024 nonwastewaters	Concentration (in mg/kg)
-Phthalic acid- Phthalic anhydride (measured as Phthalic acid)	28.

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K024 wastewaters	Concentration (in mg/L)
-Phthalic acid - Phthalic anhydride (measured as Phthalic acid)	0.54

K028 Nonwastewaters See also Table A	Concentration (in mg/kg)
1,1-Dichloroethane	6.0
trans-1,2-Dichloroethene	6.0
Hexachlorobutadiene	5.6
Hexachloroethane	28.
Pentachloroethane	5.6
1,1,1,2-Tetrachloroethane	5.6
1,1,2,2-Tetrachloroethane	5.6
1,1,1-Trichloroethane	6.0
1,1,2-Trichloroethane	6.0
Tetrachloroethylene	6.0

K028 Wastewaters	Concentration (in mg/L)
1,1-Dichloroethane	0.007
trans-1,2-Dichloroethene	0.033
Hexachlorobutadiene	0.007
Hexachloroethane	0.033
Pentachloroethane	0.033
1,1,1,2-Tetrachloroethane	0.007
1,1,2,2-Tetrachloroethane	0.007
Tetrachloroethylene	0.007
1,1,1-Trichloroethane	0.007
1,1,2-Trichloroethane	0.007
Cadmium	6.4
Chromium (Total)	0.35
Lead	0.037
Nickel	0.47

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<u>K029 Nonwastewaters</u>	<u>Concentration</u> <u>(in mg/kg)</u>
Chloroform	6.0
1,2-Dichloroethane	6.0
1,1-Dichloroethylene	6.0
1,1,1-Trichloroethane	6.0
Vinyl chloride	6.0

<u>K030 nonwastewaters</u>	<u>Concentration</u> <u>(in mg/kg)</u>
Hexachlorobutadiene	5.6
Hexachloroethane	28.
Hexachloropropene	19.
Pentachlorobenzene	28.
Pentachloroethane	5.6
1,2,4,5-Tetrachlorobenzene	14.
Tetrachloroethene	6.0
1,2,4-Trichlorobenzene	19.

<u>K030 wastewaters</u>	<u>Concentration</u> <u>(in mg/L)</u>
o-Dichlorobenzene	0.008
p-Dichlorobenzene	0.008
Hexachlorobutadiene	0.007
Hexachloroethane	0.033
Pentachloroethane	0.007
1,2,4,5-Tetrachlorobenzene	0.017
Tetrachloroethene	0.007
1,2,4-Trichlorobenzene	0.023

<u>K036 Wastewaters</u>	<u>Concentration</u> <u>(in mg/L)</u>
Disulfoton	0.025

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<u>K037 nonwastewaters</u>	<u>Concentration</u> <u>(in mg/kg)</u>
Disulfoton	0.1
Toluene	28.

<u>K037 wastewaters</u>	<u>Concentration</u> <u>(in mg/L)</u>
Disulfoton	0.003
Toluene	0.028

<u>K038 and K040 Nonwastewaters</u>	<u>Concentration</u> <u>(in mg/kg)</u>
Phorate	0.1

<u>K038 and K040 Wastewaters</u>	<u>Concentration</u> <u>(in mg/L)</u>
Phorate	0.025

<u>K043 Nonwastewaters</u>	<u>Concentration</u> <u>(in mg/kg)</u>
2,4-Dichlorophenol	0.38
2,6-Dichlorophenol	0.34
2,4,5-Trichlorophenol	8.2
2,4,6-Trichlorophenol	7.6
Tetrachlorophenols (Total)	0.68
Pentachlorophenol	1.9
Tetrachloroethene	1.7
Hexachlorodibenzo-p-dioxins	0.001
Hexachlorodibenzofurans	0.001
Pentachlorodibenzo-p-dioxins	0.001
Pentachlorodibenzofurans	0.001
Tetrachlorodibenzo-p-dioxins	0.001
Tetrachlorodibenzofurans	0.001

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K043 wastewaters	Concentration (in mg/L)
2,4-Dichlorophenol	0.049
2,6-Dichlorophenol	0.013
2,4,5-Trichlorophenol	0.016
2,4,6-Trichlorophenol	0.039
Tetrachlorophenols (Total)	0.018
Pentachlorophenol	0.22
Tetrachloroethene	0.006
Hexachlorodibenzo-p-dioxins	0.001
Hexachlorodibenzofurans	0.001
Pentachlorodibenzo-p-dioxins	0.001
Pentachlorodibenzofurans	0.001
Tetrachlorodibenzo-p-dioxins	0.001
Tetrachlorodibenzofurans	0.001

K048 nonwastewaters (see also Table A)	Concentration (in mg/kg)
Benzene	9.5
Benzo(a)pyrene	0.84
-Bis(2-ethylhexyl)-Diethylhexyl phthalate	37.
Chrysene	2.2
Di-n-butyl phthalate	4.2
Ethylbenzene	67.
Naphthalene	Reserved
Phenanthrene	7.7
Phenol	2.7
Pyrene	2.0
Toluene	9.5
Xylenes	Reserved
Cyanides (Total)	1.8

K048 wastewaters	Concentration (in mg/L)
Benzene	0.011
Benzo(a)pyrene	0.047
-Bis(2-ethylhexyl)-Diethylhexyl phthalate	0.043
Chrysene	0.043
Di-n-butyl phthalate	0.060
Ethylbenzene	0.011
Fluorene	0.050
Naphthalene	0.033

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Phenanthrene	0.039
Phenol	0.047
Pyrene	0.045
Toluene	0.011
Xylenes	0.011
Chromium (Total)	0.20
Lead	0.37

K049 nonwastewaters (see also Table A)	Concentration (in mg/kg)
Anthracene	6.2
Benzene	9.5
Benzo(a)pyrene	0.84
-Bis(2-ethylhexyl)-Diethylhexyl phthalate	37.
Chrysene	2.2
Ethylbenzene	67.
Naphthalene	(Reserved)
Phenanthrene	7.7
Phenol	2.7
Pyrene	2.0
Toluene	9.5
Xylenes	Reserved
Cyanides (Total)	1.8

K049 wastewaters	Concentration (in mg/L)
Anthracene	0.039
Benzene	0.011
Benzo(a)pyrene	0.047
-Bis(2-ethylhexyl)-Diethylhexyl phthalate	0.043
Carbon disulfide	0.011
Chrysene	0.043
2,4-Dimethylphenol	0.033
Ethylbenzene	0.011
Naphthalene	0.033
Phenanthrene	0.039
Phenol	0.047
Pyrene	0.045
Toluene	0.011
Xylenes	0.011
Chromium (Total)	0.20
Lead	0.037

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K050 nonwastewaters (see also Table A)

	Concentration (in mg/kg)
Benzo(a)pyrene	0.84
Phenol	2.7
Cyanides (Total)	1.8

K050 wastewaters

	Concentration (in mg/L)
Benzo(a)pyrene	0.047
Phenol	0.047
Chromium (Total)	0.20
Lead	0.037

K051 nonwastewaters (see also Table A)

	Concentration (in mg/kg)
Anthracene	6.2
Benzene	9.5
Benzo(a)anthracene	1.4
Benzo(a)pyrene	0.84
-Bis(2-ethylhexyl)-Diethylhexyl phthalate	37.
Chrysene	2.2
Di-n-butyl phthalate	4.2
Ethylbenzene	67.
Naphthalene	Reserved
Phenanthrene	7.7
Phenol	2.7
Pyrene	2.0
Toluene	9.5
Xylenes	Reserved
Cyanides (Total)	1.8

K051 wastewaters

	Concentration (in mg/L)
Acenaphthene	0.050
Anthracene	0.039
Benzene	0.011
Benzo(a)anthracene	0.043
Benzo(a)pyrene	0.047
-Bis(2-ethylhexyl)-Diethylhexyl phthalate	0.043
Chrysene	0.043
Di-n-butyl phthalate	0.060

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Ethylbenzene	0.011
Fluorene	0.050
Naphthalene	0.033
Phenanthrene	0.039
Phenol	0.047
Pyrene	0.045
Toluene	0.011
Xylenes	0.011
Chromium (Total)	0.20
Lead	0.037

K052 nonwastewaters (see also Table A)

	Concentration (in mg/kg)
Benzene	9.5
Benzo(a)pyrene	0.84
o-Cresol	2.2
p-Cresol	0.90
Ethylbenzene	67.
Naphthalene	Reserved
Phenanthrene	7.7
Phenol	2.7
Toluene	9.5
Xylenes	Reserved
Cyanides (Total)	1.8

K052 wastewaters

	Concentration (in mg/L)
Benzene	0.011
Benzo(a)pyrene	0.047
o-Cresol	0.011
p-Cresol	0.011
2,4-Dimethylphenol	0.033
Ethylbenzene	0.011
Naphthalene	0.033
Phenanthrene	0.039
Phenol	0.047
Toluene	0.011
Xylenes	0.011
Chromium (Total)	0.20
Lead	0.037

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K062 wastewaters	
Chromium (Total)	Concentration (in mg/L)
Lead	0.32
Nickel	0.04
	0.44
K071 wastewaters	
	Concentration (in mg/L)
Mercury	0.030

K086 nonwastewaters-Solvent Washes Subcategory (see also Table A)	
	Concentration (in mg/kg)
Acetone	0.37
-bis(2-ethylhexyl)-Diethylhexyl phthalate	0.49
n-Butyl alcohol	0.37
Cyclohexanone	0.49
1,2-Dichlorobenzene	0.49
Ethyl acetate	0.37
Ethyl benzene	0.031
Methanol	0.37
Methylene chloride	0.037
Methyl ethyl ketone	0.37
Methyl isobutyl ketone	0.49
Naphthalene	0.49
Nitrobenzene	0.49
Toluene	0.031
1,1,1-Trichloroethane	0.044
Trichloroethylene	0.031
Xylenes	0.015

K086 wastewaters-Solvent Washes Subcategory	
	Concentration (in mg/L)
Acetone	0.015
-bis(2-ethylhexyl)-Diethylhexyl phthalate	0.044
n-Butyl alcohol	0.031
Cyclohexanone	0.022
1,2-Dichlorobenzene	0.044
Ethyl acetate	0.031
Ethyl benzene	0.015
Methanol	0.031
Methylene chloride	0.031

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Methyl ethyl ketone	0.031
Methyl isobutyl ketone	0.031
Naphthalene	0.044
Nitrobenzene	0.044
Toluene	0.029
1,1,1-Trichloroethane	0.031
Trichloroethylene	0.029
Xylenes	0.015
Chromium (Total)	0.32
Lead	0.037

K087 nonwastewaters (see also Table A)	
	Concentration (in mg/kg)
Acenaphthalene	3.4
Benzene	0.071
Chrysene	3.4
Fluoranthene	3.4
Indeno(1,2,3-cd)pyrene	3.4
Naphthalene	3.4
Phenanthrene	3.4
Toluene	3.4
Xylenes	0.65
	0.070

K087 wastewaters	
	Concentration (in mg/L)
Acenaphthalene	0.028
Benzene	0.014
Chrysene	0.028
Fluoranthene	0.028
Indeno(1,2,3-cd) pyrene	0.028
Naphthalene	0.028
Phenanthrene	0.028
Toluene	0.008
Xylenes	0.014
Lead	0.037

K095 Nonwastewaters	
	Concentration (in mg/kg)
1,1,1,2-Tetrachloroethane	5.6
1,1,2,2-Tetrachloroethane	5.6
Tetrachloroethene	6.0

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1,1,2-Trichloroethane
 Trichloroethylene
 Hexachloroethane
 Pentachloroethane

6.0
 5.6
 28.
 5.6

K096 Nonwastewaters

Concentration
 (in mg/kg)

1,3-Dichlorobenzene
 Pentachloroethane
 1,1,1,2-Tetrachloroethane
 1,1,2,2-Tetrachloroethane
 Tetrachloroethylene
 1,2,4-Trichlorobenzene
 Trichloroethylene
 1,1,2-Trichloroethane

5.6
 5.6
 5.6
 5.6
 6.0
 19.
 5.6
 6.0

K099 nonwastewaters

Concentration
 (in mg/kg)

2,4-Dichlorophenoxyacetic acid
 Hexachlorodibenzo-p-dioxins
 Hexachlorodibenzofurans
 Pentachlorodibenzo-p-dioxins
 Pentachlorodibenzofurans
 Tetrachlorodibenzo-p-dioxins
 Tetrachlorodibenzofurans

1.0
 0.001
 0.001
 0.001
 0.001
 0.001
 0.001

K099 wastewaters

Concentration
 (in mg/L)

2,4-Dichlorophenoxyacetic acid
 Hexachlorodibenzo-p-dioxins
 Hexachlorodibenzofurans
 Pentachlorodibenzo-p-dioxins
 Pentachlorodibenzofurans
 Tetrachlorodibenzo-p-dioxins
 Tetrachlorodibenzofurans

1.0
 0.001
 0.001
 0.001
 0.001
 0.001
 0.001

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K101 nonwastewaters (Low Arsenic Subcategory-
 less than 1% total arsenic) (see also Table A)
 ortho-Nitroaniline

Concentration
 (in mg/kg)
 14.

K101 wastewaters

Concentration
 (in mg/L)

ortho-Nitroaniline
 Arsenic
 Cadmium
 Lead
 Mercury

0.27
 2.0
 0.24
 0.11
 0.027

K102 nonwastewaters (Low Arsenic Subcategory-
 less than 1% total arsenic) (see also Table A)
 ortho-Nitrophenol

Concentration
 (in mg/kg)
 13.

K102 wastewaters

Concentration
 (in mg/L)

ortho-Nitrophenol
 Arsenic
 Cadmium
 Lead
 Mercury

0.028
 2.0
 0.24
 0.11
 0.027

K103 nonwastewaters

Concentration
 (in mg/kg)

Aniline
 Benzene
 2,4-Dinitrophenol
 Nitrobenzene
 Phenol

5.6
 6.0
 5.6
 5.6
 5.6

K103 wastewaters

Concentration
 (in mg/L)

Aniline
 Benzene
 2,4-Dinitrophenol

4.5
 0.15
 0.61

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Nitrobenzene
Phenol

0.073
1.4

K104 nonwastewaters

Aniline

Concentration
(in mg/kg)

Benzene
2,4-Dinitrophenol
Nitrobenzene
Phenol
Cyanides (Total)

5.6
6.0
5.6
5.6
1.8

K104 wastewaters

Concentration
(in mg/L)

Aniline
Benzene
2,4-Dinitrophenol
Nitrobenzene
Phenol
Cyanides (Total)

4.5
0.15
0.61
0.073
1.4
2.7

K115 Wastewaters

See also Table A

Concentration
(in mg/L)

Nickel

0.47

P013 Nonwastewaters

Concentration
(in mg/kg)

Cyanides (Total)
Cyanides (Amenable)

110.
9.1

P013 Wastewaters

Concentration
(in mg/L)

Cyanides (Total)
Cyanides (Amenable)

1.9
0.10

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P021 Nonwastewaters

Concentration
(in mg/kg)

Cyanides (Total)
Cyanides (Amenable)

110.
9.1

P021 Wastewaters

Concentration
(in mg/L)

Cyanides (Total)
Cyanides (Amenable)

1.9
0.10

P029 Nonwastewaters

Concentration
(in mg/kg)

Cyanides (Total)
Cyanides (Amenable)

110.
9.1

P029 Wastewaters

Concentration
(in mg/L)

Cyanides (Total)
Cyanides (Amenable)

1.9
0.10

P030 Nonwastewaters

Concentration
(in mg/kg)

Cyanides (Total)
Cyanides (Amenable)

110.
9.1

P030 Wastewaters

Concentration
(in mg/L)

Cyanides (Total)
Cyanides (Amenable)

1.9
0.10

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P039 NonwastewatersConcentration
(in mg/kg)Disulfoton0.1P039 WastewatersConcentration
(in mg/L)Disulfoton0.025P063 NonwastewatersConcentration
(in mg/kg)Cyanides (Total)
Cyanides (Amenable)110.
9.1P063 WastewatersConcentration
(in mg/L)Cyanides (Total)
Cyanides (Amenable)1.9
0.10P071 NonwastewatersConcentration
(in mg/kg)Methyl parathion0.1P071 WastewatersConcentration
(in mg/L)Methyl parathion0.025

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P074 Nonwastewaters
See also Table AConcentration
(in mg/kg)Cyanides (Total)
Cyanides (Amenable)110.
9.1P074 Wastewaters
See also Table AConcentration
(in mg/L)Cyanides (Total)
Cyanides (Amenable)
Nickel1.9
0.10
0.44P089 NonwastewatersConcentration
(in mg/kg)Parathion0.1P089 WastewatersConcentration
(in mg/L)Parathion0.025P094 NonwastewatersConcentration
(in mg/kg)Phorate0.1P094 WastewatersConcentration
(in mg/L)Phorate0.025

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<u>P097 Nonwastewaters</u>	<u>Concentration</u> <u>(in mg/kg)</u>
<u>Famphur</u>	<u>0.1</u>
<u>P097 Wastewaters</u>	<u>Concentration</u> <u>(in mg/L)</u>
<u>Famphur</u>	<u>0.025</u>
<u>P098 Nonwastewaters</u>	<u>Concentration</u> <u>(in mg/kg)</u>
<u>Cyanides (Total)</u>	<u>110.</u>
<u>Cyanides (Amenable)</u>	<u>9.1</u>
<u>P098 Wastewaters</u>	<u>Concentration</u> <u>(in mg/L)</u>
<u>Cyanides (Total)</u>	<u>1.9</u>
<u>Cyanides (Amenable)</u>	<u>0.10</u>
<u>P099 Nonwastewaters</u> <u>(See also Table A)</u>	<u>Concentration</u> <u>(in mg/kg)</u>
<u>Cyanides (Total)</u>	<u>110.</u>
<u>Cyanides (Amenable)</u>	<u>9.1</u>
<u>P099 Wastewaters</u> <u>(See also Table A)</u>	<u>Concentration</u> <u>(in mg/L)</u>
<u>Cyanides (Total)</u>	<u>1.9</u>
<u>Cyanides (Amenable)</u>	<u>0.10</u>

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<u>P104 Nonwastewaters</u> <u>(See also Table A)</u>	<u>Concentration</u> <u>(in mg/kg)</u>
<u>Cyanides (Total)</u>	<u>110.</u>
<u>Cyanides (Amenable)</u>	<u>9.1</u>
<u>P104 Wastewaters</u> <u>(See also Table A)</u>	<u>Concentration</u> <u>(in mg/L)</u>
<u>Cyanides (Total)</u>	<u>1.9</u>
<u>Cyanides (Amenable)</u>	<u>0.10</u>
<u>P106 Nonwastewaters</u>	<u>Concentration</u> <u>(in mg/kg)</u>
<u>Cyanides (Total)</u>	<u>110.</u>
<u>Cyanides (Amenable)</u>	<u>9.1</u>
<u>P106 Wastewaters</u>	<u>Concentration</u> <u>(in mg/L)</u>
<u>Cyanides (Total)</u>	<u>1.9</u>
<u>Cyanides (Amenable)</u>	<u>0.10</u>
<u>P121 Nonwastewaters</u>	<u>Concentration</u> <u>(in mg/kg)</u>
<u>Cyanides (Total)</u>	<u>110.</u>
<u>Cyanides (Amenable)</u>	<u>9.1</u>
<u>P121 Wastewaters</u>	<u>Concentration</u> <u>(in mg/L)</u>
<u>Cyanides (Total)</u>	<u>1.9</u>
<u>Cyanides (Amenable)</u>	<u>0.10</u>

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<u>U028 Nonwastewaters</u>	<u>Concentration</u> <u>(in mg/kg)</u>
<u>Diethylhexyl phthalate</u>	<u>28.</u>
<u>U028 Wastewaters</u>	<u>Concentration</u> <u>(in mg/L)</u>
<u>Diethylhexyl phthalate</u>	<u>0.54</u>
<u>U069 Nonwastewaters</u>	<u>Concentration</u> <u>(in mg/kg)</u>
<u>Di-n-butyl phthalate</u>	<u>28.</u>
<u>U069 Wastewaters</u>	<u>Concentration</u> <u>(in mg/L)</u>
<u>Di-n-butyl phthalate</u>	<u>0.54</u>
<u>U088 Nonwastewaters</u>	<u>Concentration</u> <u>(in mg/kg)</u>
<u>Diethyl phthalate</u>	<u>28.</u>
<u>U088 Wastewaters</u>	<u>Concentration</u> <u>(in mg/L)</u>
<u>Diethyl phthalate</u>	<u>0.54</u>
<u>U102 Nonwastewaters</u>	<u>Concentration</u> <u>(in mg/kg)</u>
<u>Dimethyl phthalate</u>	<u>28.</u>

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<u>U102 Wastewaters</u>	<u>Concentration</u> <u>(in mg/L)</u>
<u>Dimethyl phthalate</u>	<u>0.54</u>
<u>U107 Nonwastewaters</u>	<u>Concentration</u> <u>(in mg/kg)</u>
<u>Di-n-octyl phthalate</u>	<u>28.</u>
<u>U107 Wastewaters</u>	<u>Concentration</u> <u>(in mg/L)</u>
<u>Di-n-octyl phthalate</u>	<u>0.54</u>
<u>U190 Nonwastewaters</u>	<u>Concentration</u> <u>(in mg/kg)</u>
<u>Phthalic anhydride (measured as Phthalic acid)</u>	<u>28.</u>
<u>U190 Wastewaters</u>	<u>Concentration</u> <u>(in mg/L)</u>
<u>Phthalic anhydride (measured as Phthalic acid)</u>	<u>0.54</u>
<u>U235 Nonwastewaters</u>	<u>Concentration</u> <u>(in mg/kg)</u>
<u>Tris-(2,3-dibromopropyl) phosphate</u>	<u>0.1</u>

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U235 WastewatersConcentration
(in mg/L)Tris-(2,3-dibromopropyl) phosphate0.025

No Land Disposal for:

-K004 Nonwastewaters (Based on No Generation)-

K005 Nonwastewaters generated by the process described in the waste listing description, and disposed after June 8, 1989, and not generated in the course of treating wastewater forms of these wastes. (Based on No Generation)

K007 Nonwastewaters generated by the process described in the waste listing description, and disposed after June 8, 1989, and not generated in the course of treating wastewater forms of these wastes. (Based on No Generation)

-K008 Nonwastewaters (Based on No Generation)--K015 Nonwastewaters (Based on No Ash)-

K021 Nonwastewaters-Nonwastewater forms of these wastes generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes. (Based on No Generation)

K025 Nonwastewaters-Nonwastewater forms of these wastes generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes. (Based on No Generation)

K036 Nonwastewaters-Nonwastewater forms of these wastes generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes. (Based on No Generation)

K044 (Based on Reactivity)

K045 (Based on Reactivity)

K047 (Based on Reactivity)

K060 Nonwastewaters-Nonwastewater forms of these wastes generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes. (Based on No Generation)

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K061 Nonwastewaters-High Zinc Subcategory (greater than or equal to 15% total zinc) (Based on Recycling): effective 8/8/90

K069 Nonwastewaters-Non-Calcium Sulfate Subcategory Nonwastewater forms of these wastes generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes. (Based on Recycling)

-K083 Nonwastewaters-No Ash Subcategory (less than 0.01% total ash) (Based on No Ash)-

K100 Nonwastewaters- Nonwastewater forms of these wastes generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes. (Based on No Generation)

(Source: Amended at 14 Ill. Reg. 6232, effective April 16, 1990)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: RCRA and UIC Permit Programs
- 2) Code Citation: 35 Ill. Adm. Code 702
- 3) Section Numbers:
702.122
Adopted Action:
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1013, 1022.4 and 1027.
- 5) Effective Date of Amendment: April 16, 1990
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Does this Amendment contain incorporations by reference? No.
- 8) Date filed in Board's Principal Office: Order adopted March 8, 1990
- 9) Notice of Proposal Published in Illinois Register:
January 5, 1990; 14 Ill. Reg. 120
- 10) Has JCRA issued a Statement of Objections to these rules? No.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCRA.
- 11) Differences between proposal and final version:
Minor editorial differences only.
- 12) Have all the changes agreed upon by the Board and JCRA been made as indicated in the agreement letter issued by JCRA?

Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCRA.
- 13) Will this Amendment replace an emergency Amendment currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.

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NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of March 8, 1990, in R89-9, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCRA.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1989.

The amendment to this Part allows the Environmental Protection Agency to deny a RCRA permit for the active life of a facility before receiving a complete application.

16) Information and questions regarding this adopted Amendment shall be directed to:

Morton F. Dorothy
Scientific/Technical Section
Illinois Pollution Control Board
104 W. University
Urbana, IL 61801
217/ 333-5575

The full text of the Adopted Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER 1: POLLUTION CONTROL BOARD
 SUBCHAPTER b: PERMITS

PART 702

RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
 702.101
 702.102
 702.103
 702.104
 702.105
 702.106
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Applicability
 Purpose and Scope
 Confidentiality
 References
 Rulemaking
 Agency Criteria
 Permit Appeals
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SUBPART B: PERMIT APPLICATIONS

Section
 702.120
 702.121
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Permit Application
 Who Applies
 Completeness
 Information Requirements
 Recordkeeping
 Continuation of Expiring Permits
 Signatories to Permit Applications and Reports

SUBPART C: PERMIT CONDITIONS

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 702.140
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Conditions Applicable to all Permits
 Duty to Comply
 Duty to Reapply
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 Duty to Mitigate
 Proper Operation and Maintenance
 Permit Actions
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 Duty to Provide Information
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 Signatory Requirements
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 Duration of Permits

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702.162 Schedules of Compliance
 702.163 Alternative Schedules of Compliance
 702.164 Recording and Reporting

SUBPART D: ISSUED PERMITS

Section
 702.181
 702.182
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Effect of a Permit
 Transfer
 Modification
 Causes for Modification
 Facility Siting
 Revocation
 Minor Modifications

AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1013, 1022.4 and 1027).

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at, 53 PCB 131, 7 Ill. Reg. 14352, effective as noted in 35 Ill. Adm. Code 700.106; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1989; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273 effective April 16, 1990.

SUBPART B: PERMIT APPLICATIONS

Section 702.122 Completeness

The Agency shall not issue a permit under a program (RCRA or UIC) before receiving a complete application for a permit under that program except for emergency permits. An application for a permit under a program is complete when the Agency receives an application form and any supplemental information which are completed to its satisfaction. (35 Ill. Adm. Code 705.122). An application for a permit is complete notwithstanding the failure of the owner or operator to submit the exposure information described in 35 Ill. Adm. Code 703.186 (RCRA). The Agency may deny a permit for the active life of a hazardous waste management facility or unit before receiving a complete application for a permit. (RCRA)

-(Board Note: See-BOARD NOTE: Derived from 40 CFR 144.31(d) and 270.10(c),

POLLUTION CONTROL BOARD

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as amended at 54 Fed. Reg. 9607, March 7, 1989.

(Source: Amended at 14 Ill. Reg. 6273, effective April 16, 1990)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: RCRA Permit Program

2) Code Citation: 35 Ill. Adm. Code 703

3) Section Numbers:

703.121, 703.155, 703.157, 703.183, 703.225
703.240
Appendix A

Adopted Action:

Amendment
New Section
Amendment

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp, ch. 111 1/2, pars. 1022.4 and 1027.

5) Effective Date of Amendment: April 16, 1990

6) Does this rulemaking contain an automatic repeal date?: No.

7) Does this Amendment contain incorporations by reference? No.

8) Date filed in Board's Principal Office: Order adopted March 8, 1990

9) Notice of Proposal Published in Illinois Register:

January 5, 1990; 14 Ill. Reg. 125.

10) Has JCAR issued a Statement of Objections to these rules? No.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

Minor editorial differences only.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will this Amendment replace an emergency Amendment currently in effect?
No.

14) Are there any other amendments pending on this Part? No.

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NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of March 8, 1990, in R89-9, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1989.

The amendments to 35 Ill. Adm. Code 703: allow the Environmental Protection Agency to deny RCRA permits as to the active life of a facility; allow interim status facilities to treat wastes to meet land disposal bans without filing a permit application; and, specify new types of permit modifications which may be effected under simpler procedures.

16) Information and questions regarding this adopted Amendment shall be directed to:

Morton F. Dorothy
Scientific/Technical Section
Illinois Pollution Control Board
104 W. University
Urbana, IL 61801
217/ 333-5575

The full text of the Adopted Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 703
RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	Scope and Relation to Other Parts
703.100	Purpose
703.101	References
703.110	

SUBPART B: PROHIBITIONS

Section	Prohibitions in General
703.120	RCRA Permits
703.121	Specific Inclusions in Permit Program
703.122	Specific Exclusions from Permit Program
703.123	Discharges of Hazardous Waste
703.124	Reapplications
703.125	Initial Applications
703.126	Federal Permits (Repealed)
703.127	

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section	Purpose and Scope
703.140	Permits by Rule
703.141	Application by Existing HWM Facilities and Interim Status Qualifications
703.150	Application by New HWM Facilities
703.151	Amended Part A Application
703.152	Qualifying for Interim Status
703.153	Prohibitions During Interim Status
703.154	Changes During Interim Status
703.155	Interim Status Standards
703.156	Grounds for Termination of Interim Status
703.157	Permits for Less Than an Entire Facility
703.158	Closure by Removal
703.159	Procedures for Closure Determination
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SUBPART D: APPLICATIONS

Section	Applications in General
703.180	Contents of Part A
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Specific Information
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SUBPART E: SHORT TERM AND PHASED PERMITS

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Incinerator Conditions Prior to Trial Burn
Incinerator Conditions During Trial Burn
Incinerator Conditions After Trial Burn
Trial Burns for Existing Incinerators
Land Treatment Demonstration
Research, Development and Demonstration Permits

SUBPART F: PERMIT CONDITIONS OR DENIAL

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Permit Denial
Establishing Permit Conditions
Noncompliance Pursuant to Emergency Permit
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Twenty-four Hour Reporting
Reporting Requirements
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SUBPART G: CHANGES TO PERMITS

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Appendix A Classification of Permit Modifications

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1987; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990.

SUBPART B: PROHIBITIONS

Section 703.121 RCRA Permits

a) No person shall conduct any hazardous waste storage, hazardous waste treatment or hazardous waste disposal operation:

- 1) Without a RCRA permit for the HWM (hazardous waste management) facility; or
- 2) In violation of any condition imposed by a RCRA permit;

b) Owners and operators of HWM units ~~must~~ shall have permits during the active life (including the closure period) of the unit. Owners and operators of surface impoundments, landfills, land treatment units and waste pile units that received wastes after July 26, 1982, or that certified closure (according to 35 Ill. Adm. Code 725.215) after January 26, 1983, ~~must~~ shall have post-closure permits, unless they demonstrate closure by removal as provided under Sections 703.159 and 703.160. If a post-closure permit is required, the permit must address applicable 35 Ill. Adm. Code 724 groundwater monitoring, unsaturated zone monitoring, corrective action and post-closure care requirements.

c) The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure permit under this Section.

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~~-(BOARD NOTE: See-BOARD NOTE: Derived from 40 CFR 270.1(c) -(1987) as amended at 52 Fed. Reg. 45787, December 1, 1987,)-(1988), as amended at 54 Fed. Reg. 9607, March 7, 1989.~~

(Source: Amended at 14 Ill. Reg. 6278, effective April 16, 1990)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.155 Changes During Interim Status

- a) ~~New hazardous wastes not previously identified in Part A of the permit application may be treated, stored or disposed of at a facility -Except as provided in subsection (b), the owner or operator of an interim status facility may make the following changes at the facility:~~

1) Treatment, storage or disposal of new hazardous wastes not previously identified in Part A of the permit application (and, in the case of newly listed or identified wastes, addition of the units being used to treat, store or dispose of the hazardous wastes on the date of the listing or identification) if the owner or operator submits a revised Part A permit application prior to such -a change-treatment, storage or disposal;

- b) Increases in the design capacity of processes used at -a-the facility- may be made- if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Agency approves the change because -of-;

A) There is a lack of available treatment, storage or disposal capacity at other hazardous waste management facilities; or

B) The change is necessary to comply with a federal, State or local requirement, including 35 Ill. Adm. Code 725, 728 or 729.

- e) 3) Changes in the processes for the treatment, storage or disposal of hazardous waste may be made at a facility or addition-at- of processes -may be added -if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for change) and the Agency approves the change because:

- 1) A) -It-The change is necessary to prevent a threat to human health or the environment because of an emergency

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situation; or

- 2) B) -It-The change is necessary to comply with -Federal and State Regulations-a federal, State or local requirement, including 35 Ill. Adm. Code 725, 728 or 729;

d) 4) Changes in the ownership or operational control of a facility -may be made -if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of 35 Ill. Adm. Code 725-Subpart H (financial requirements), until the new owner or operator has demonstrated to the Agency that it is complying with the requirements of that Subpart. The new owner or operator shall demonstrate compliance with the financial assurance requirements within six months after the date of the change in the ownership or operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with the financial assurance requirements, the Agency shall notify the old owner or operator in writing that the old owner or operator no longer needs to comply with 35 Ill. Adm. Code 725-Subpart H as of the date of demonstration. All other interim status duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility;

- 5) Changes made in accordance with an interim status corrective action order issued by: USEPA under Section 3008(h) of the Resource Conservation and Recovery Act or other federal authority; a court pursuant to a judicial action brought USEPA; a court pursuant to the Environmental Protection Act; or, the Board. Changes under this subsection are limited to the treatment, storage or disposal of solid waste from releases that originate within the boundary of the facility.

e) b) -In no event shall changes be made to an HWM facility during interim status which-Except as specifically allowed under this subsection, changes listed under subsection (a) must not be made if they amount to reconstruction of the HWM facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new HWM facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction:

- 1) -Changes under this Section do not include e-Changes made solely for the purpose of complying with requirements of 35 Ill. Adm. Code 725.293 for tanks and ancillary equipment.

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- 2) If necessary to comply with federal, State or local requirements, including 35 Ill. Adm. Code 725, 728 or 729, changes to an existing unit, changes solely involving tanks or containers, or addition of replacement surface impoundments that satisfy the statutory standards of Section 35 Ill. Adm. Code 728.139.
- 3) Changes that are necessary to allow owners or operators to continue handling newly listed or identified hazardous wastes that have been treated, stored or disposed of at the facility prior to the effective date of the rule establishing the new listing or identification.
- 4) Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.
- 5) Changes necessary to comply with an interim status corrective action order issued by: USEPA under Section 3008(h) of the Resource Conservation and Recovery Act or other federal authority; a court pursuant to a judicial action brought by USEPA; a court pursuant to the Environmental Protection Act; or, the Board. Changes under this subsection are limited to the treatment, storage or disposal of solid waste from releases that originate within the boundary of the facility.

- 6) Changes ~~prohibited under this Section do not include changes~~ to treat or store, in ~~containers or~~ tanks or containers, hazardous wastes subject to land disposal ~~restrictions imposed~~ in 35 Ill. Adm. Code 728, provided that such changes are made solely for the purpose of complying with 35 Ill. Adm. Code 728.

~~-(800RD NOTE: See-BOARD NOTE: Derived from 40 CFR 270.72~~
~~-(1987), as amended at 52 Fed. Reg. 45787, December 17, 1987, -~~
~~(1988), as amended at 54 Fed. Reg. 9607, March 7, 1989.~~

(Source: Amended at 14 Ill. Reg. 6278, effective April 16, 1990)

Section 703.157 Grounds for Termination of Interim Status

Interim status terminates when:

- a) Final administrative disposition of a permit application is made; or
- b) The owner or operator fails to furnish a requested Part B application on time, or to furnish the full information required by the Part B application, in which case the Agency shall notify the owner and operator of the termination of interim status following the procedures for a notice of intent to deny a permit pursuant to 35

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Ill. Adm. Code 705.

- c) For owners or operators of each land disposal facility which has been granted interim status prior to November 8, 1984, on November 8, 1985, unless:
 - 1) The owner or operator submits a Part B application for a permit for such facility prior to that date; and
 - 2) The owner or operator certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.
- d) For owners or operators of each land disposal facility which is in existence on the effective date of statutory or regulatory amendments under the Resource Conservation and Recovery Act that render the facility subject to the requirement to have a RCRA permit and which is granted interim status, twelve months after the date on which the facility first becomes subject to such permit requirement unless the owner or operator of such facility:
 - 1) Submits a Part B application for a RCRA permit for such facility before the date 12 months after the date on which the facility first becomes subject to such permit requirement; and
 - 2) Certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.
- e) For owners or operators of any land disposal unit that is granted authority to operate under Section 703.155(a)(1), (2) or (3), on the day 12 months after the effective date of such requirement, unless the owner or operator certifies that such unit is in compliance with all applicable groundwater monitoring and financial responsibility requirements. (35 Ill. Adm. Code 725.190 et seq. and 725.240 et seq.)
- f) For owners and operators of each incinerator facility on November 8, 1989, unless the owner or operator of the facility submits a Part B application for a RCRA permit for an incinerator facility by November 8, 1986.
- g) For owners and operators of any facility (other than a land disposal or an incinerator facility) on November 8, 1992, unless the owner or operator of the facility submits a Part B application for a RCRA permit for the facility by November 8, 1988.

~~-(Note: See-BOARD NOTE: Derived from 40 CFR 270.10(e)(5) (1988) and~~

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270.73-->- (1988), as amended at 54 Fed. Reg. 9607, March 7, 1989

(Source: Amended at 14 Ill. Reg. 6278 effective April 16, 1990)

SUBPART D: APPLICATIONS

Section 703.183 General Information

The following information is required in the Part B application for all HWM facilities, except as 35 Ill. Adm. Code 724.101 provides otherwise:

- a) A general description of the facility;
 - b) Chemical and physical analyses of the hazardous wastes to be handled at the facility. At a minimum, these analyses must contain all the information which must be known to treat, store or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;
 - c) A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);
 - d) A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;
 - e) A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b)-4. Include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, 724.294, 724.326, 724.354, 724.373, 724.403 and 724.702;
 - f) A justification of any request for a waiver of the preparedness and prevention requirements of 35 Ill. Adm. Code 724.Subpart C;
 - g) A copy of the contingency plan required by 35 Ill. Adm. Code 724.Subpart D;
- BOARD NOTE: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.327 and 724.355. 35 Ill. Adm. Code 724.355 has not yet been adopted.
- h) A description of procedures, structures or equipment used at the facility to:
 - 1) Prevent hazards in unloading operations (for example, ramps, special forklifts);
 - 2) Prevent runoff from hazardous waste handling areas to other

areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

- 3) Prevent contamination of water supplies;
 - 4) Mitigate effects of equipment failure and power outages; and
 - 5) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing);
- i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive or incompatible wastes as required to demonstrate compliance with 35 Ill. Adm. Code 724.117 including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);
 - j) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes and stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals);
 - k) Facility location information as required by Section 703.184;
 - l) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the HWM facility in a safe manner as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);
 - m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, ~~and~~ 724.218 and 724.297. Include where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, 724.701 and 724.703;
 - n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219 have been filed;
 - o) The most recent closure cost estimate for the facility prepared in accordance with 35 Ill. Adm. Code 724.242 and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B;

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- p) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with 35 Ill. Adm. Code 724.244 plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245; For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B;
- q) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b), that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage or disposal. A request for an alternative level of required coverage, for a new or existing facility, may be submitted as specified in 35 Ill. Adm. Code 724.247(c);
- s) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HMM facilities located in mountainous areas shall use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:
- 1) Map scale and date;
 - 2) 100-year floodplain area;
 - 3) Surface waters including intermittent streams;
 - 4) Surrounding land uses (residential, commercial, agricultural, recreational);
 - 5) A wind rose (i.e., prevailing windspeed and direction);
 - 6) Orientation of the map (north arrow);
 - 7) Legal boundaries of the HMM facility site;
 - 8) Access control (fences, gates);

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- 9) Injection and withdrawal wells both on-site and off-site;
- 10) Buildings; treatment, storage or disposal operations; or other structures (recreation areas, runoff control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);
- 11) Barriers for drainage or flood control;
- 12) Location of operational units within the HMM facility site, where hazardous waste is (or will be) treated, stored or disposed (include equipment cleanup areas);
- BOARD NOTE: For large HMM facilities, the Agency shall allow the use of other scales on a case by case basis.
- t) Applicants shall submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued.
- u) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.105, or if a petition has been approved under 35 Ill. Adm. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required.
- BOARD NOTE: Derived from 40 CFR 270.14(b) (1988), as amended at 54 Fed. Reg. 617, January 9, 1989.

(Source: Amended at 14 Ill. Reg. 6278, effective April 16, 1990)

SUBPART E: SHORT TERM AND PHASED PERMITS

Section 703.225 Trial Burns for Existing Incinerators

For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 724.443 and of determining adequate operating conditions under 35 Ill. Adm. Code 724.445, the applicant for a permit ~~to~~ for an existing hazardous waste incinerator ~~may~~ shall prepare and submit a trial burn plan and perform a trial burn in accordance with Sections 703.205(b) and 703.223(b) through (i), or, instead, submit other information as specified in Section 703.205(c). Applicants submitting information under Section 703.205(a) are exempt from compliance with 35 Ill. Adm. Code 724.443 and 724.445 and, therefore, are exempt from the requirement to conduct a trial burn. Applicants who submit trial burn plans and receive approval before submission of a permit application ~~must~~ shall complete the trial burn and submit the results, specified in Section 703.223(f), with Part B of the permit application. If completion of this process conflicts with the date set for

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submission of the Part B application, the applicant ~~must~~ shall contact the Agency to establish a later date for submission of the Part B application or the trial burn results. ~~If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within the time period specified by the Agency.~~ Trial burn results must be submitted prior to issuance of the permit. When the applicant submits a trial burn plan with Part B of the permit application, the Agency shall specify a time period prior to permit issuance in which the trial burn must be conducted and the results submitted.

~~(Board Note: See 40 CFR 122.27(b)(4).)~~ BOARD NOTE: Derived from 40 CFR 270.52(d) (1988), as amended at 54 Fed. Reg. 4288, January 30, 1989.

(Source: Amended at 14 Ill. Reg. 6278, effective April 16, 1990)

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section 703.240 Permit Denial

The Agency may, pursuant to the procedures of 35 Ill. Adm. Code 705, deny the permit application either in its entirety or as to the active life of a HWM facility or unit only.

BOARD NOTE: Derived from 40 CFR 270.29, as adopted at 54 Fed. Reg. 9607, March 7, 1989.

(Source: Added at 14 Ill. Reg. 6278, effective April 16, 1990)

Section 703-Appendix A Classification of Permit Modifications

Class Modifications

A. General Permit Provisions

- 1 1. Administrative and informational changes.
- 1 2. Correction of typographical errors.
- 1 3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).
- 4 Changes in the frequency of or procedures for monitoring, reporting, sampling or maintenance activities by the permittee:
 - 1 a. To provide for more frequent monitoring, reporting or maintenance.
 - 2 b. Other changes.

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5. Schedule of compliance:

- 1* a. Changes in interim compliance dates, with prior approval of the Agency.

BOARD NOTE: "*" indicates that prior Agency approval is required.

- 3 b. Extension of final compliance date.

- 1* 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.

- 1* 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.

B. General Facility Standards

1. Changes to waste sampling or analysis methods:

- 1 a. To conform with Agency guidance or Board regulations.
- 2 b. Other changes.

2. Changes to analytical quality assurance/control plan:

- 1 a. To conform with agency guidance or regulations.
- 2 b. Other changes.

3. Changes in procedures for maintaining the operating record.

4. Changes in frequency or content of inspection schedules.

5. Changes in the training plan:

- 2 a. That affect the type or decrease the amount of training given to employees.

- 1 b. Other changes.

6. Contingency plan:

- 2 a. Changes in emergency procedures (i.e., spill or release response procedures).
- 1 b. Replacement with functionally equivalent equipment, upgrade

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- or relocate emergency equipment listed.
- 2 c. Removal of equipment from emergency equipment list.
 - 1 d. Changes in name, address or phone number of coordinators or other persons or agencies identified in the plan.
- Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.
- C. Groundwater Protection
1. Changes to wells:
 - 2 a. Changes in the number, location, depth or design of upgradient or downgradient wells of permitted groundwater monitoring system.
 - 1 b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design or depth of the well.
 - 1* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.
 - 1* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.
 - 2* 4. Changes in point of compliance.
 5. Changes in indicator parameters, hazardous constituents or concentration limits (including ACLs (Alternate Concentration Limits)):
 - 3 a. As specified in the groundwater protection standard.
 - 2 b. As specified in the detection monitoring program.
 - 2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.
 7. Compliance monitoring program:

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- 3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.
 - 2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.
8. Corrective action program:
- 3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
 - 2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.
- D. Closure
1. Changes to the closure plan:
 - 1* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
 - 1* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
 - 1* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
 - 1* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.
 - 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
 - 3 2. Creation of a new landfill unit as part of closure.
 3. Addition of the following new units to be used temporarily for closure activities:
 - 3 a. Surface impoundments.
 - 3 b. Incinerators.

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- 3 c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
 - 2 d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).
 - 2 e. Tanks or containers (other than specified below).
 - 1* f. Tanks used for neutralization, dewatering, phase separation or component separation, with prior approval of the Agency.
- E. Post-Closure
- 1 1. Changes in name, address or phone number of contact in post-closure plan.
 - 2 2. Extension of post-closure care period.
 - 3 3. Reduction in the post-closure care period.
 - 1 4. Changes to the expected year of final closure, where other permit conditions are not changed.
 - 2 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.

F. Containers

1. Modification or addition of container units:
 - 3 a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
 - 2 b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
 - 1 c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative

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description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

2.
 - 2 a. Modification of a container unit without increasing the capacity of the unit.
 - 1 b. Addition of a roof to a container unit without alteration of the containment system.
3. Storage of different wastes in containers, except as provided in F(4):
 - 3 a. That require additional or different management practices from those authorized in the permit.
 - 2 b. That do not require additional or different management practices from those authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
- 2 4. Storage or treatment of different wastes in containers:
 - 2 a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
 - 1 b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 4 5. Other changes in container management practices (e.g., aisle space; types of containers; segregation).

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G. Tanks

1.
 - a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(c)₂, ~~and~~ G(1)(d) and G(1)(e).
 - b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).
 - c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.
 - d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.
 - e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.
3. Replacement of a tank with a tank that meets the same design standards and has a capacity within +/- 10% of the replaced tank provided:
 - a. The capacity difference is no more than 1500 gallons,
 - b. The facility's permitted tank capacity is not increased and

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2.
 - c. The replacement tank meets the same conditions in the permit.
 4. Modification of a tank management practice.
 5. Management of different wastes in tanks:
 - a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).
 - b. That do not require additional or different management practices, tank design, different fire protection specification or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
1.
 - c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
 - d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- H. Surface Impoundments
3.
 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.

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- 3 2. Replacement of a surface impoundment unit.
- 2 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system or leachate collection system.
- 2 4. Modification of a surface impoundment management practice.
5. Treatment, storage or disposal of different wastes in surface impoundments:
 - 3 a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
 - 2 b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

I. Enclosed Waste Piles. For all waste piles, except those complying

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with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

- 3 1. Modification or addition of waste pile units:
 - a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity.
 - 2 b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity.
- 2 2. Modification of waste pile unit without increasing the capacity of the unit.
- 1 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.
- 2 4. Modification of a waste pile management practice.
5. Storage or treatment of different wastes in waste piles:
 - 3 a. That require additional or different management practices or different design of the unit.
 - 2 b. That do not require additional or different management practices or different design of the unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

J. Landfills and Unenclosed Waste Piles

- 3 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.
- 3 2. Replacement of a landfill.
- 3 3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control or final cover system.
- 2 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control or final cover system.

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- 2 5. Modification of a landfill management practice.
6. Landfill different wastes:
 - 3 a. That require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.
 - 2 b. That do not require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

K. Land Treatment

- 3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.
- 2 2. Modification of run-on control system.
- 3 3. Modify run-off control system.
- 2 4. Other modification of land treatment unit component

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5. Management of different wastes in land treatment units:
 - 3 a. That require a change in permit operating conditions or unit design specifications.
 - 2 b. That do not require a change in permit operating conditions or unit design specifications.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

6. Modification of a land treatment unit management practice to:
 - 3 a. Increase rate or change method of waste application.
 - 1 b. Decrease rate of waste application.
 - 2 7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.
 - 3 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.
 - 3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).
 - 3 10. Changes in the unsaturated zone monitoring system resulting in a change to the location, depth, number of sampling points or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.
 - 2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.
 - 2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.

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- 2 13. Changes in sampling, analysis or statistical procedure.
- 2 14. Changes in land treatment demonstration program prior to or during the demonstration.
- 1* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.
- 1* 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
- 3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.
- 2 18. Changes in vegetative cover requirements for closure.
- L. Incinerators
- 3 1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste feed rate limit or an organic chlorine feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 2 2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste feed limit or an organic chlorine feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3 3. Modification of an incinerator unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to

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- 2 remove HCl or particulates from the combustion gases or by changing other features of the incinerator that could affect its capability to meet the regulatory performance standards. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
- 2 4. Modification of an incinerator unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.
5. Operating requirements:
 - 3 a. Modification of the limits specified in the permit for minimum combustion gas temperature, minimum combustion gas residence time or oxygen concentration in the secondary combustion chamber. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
 - 3 b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.
 - 2 c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.
- 3 6. Incineration of different wastes:
 - 3 a. If the waste contains a POHC that is more difficult to incinerate than authorized by the permit or if incineration of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
 - 3 b. If the waste does not contain a POHC that is more difficult to incinerate than authorized by the permit and if incineration of the waste does not require compliance with different regulatory performance standards than specified in the permit.

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BOARD NOTE: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

7. Shakedown and trial burn:

- a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.

- b. Authorization of up to an additional 720 hours of waste incineration during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.

- c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.

- d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.

3. Substitution of an alternate type of fuel that is not specified in the permit.

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I, as adopted at 53 Fed. Reg. 37934, September 28, 1988.

(Source: Amended at 14 Ill. Reg. 6278, effective April 16, 1990)

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- 1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

- 2) Code Citation: 89 Ill. Adm. Code 112

- 3) Section Numbers: Adopted Action:

112.154 Amendment
112.304 Amendment

- 4) Statutory Authority:

89 Ill. Adm. Code 112.154

Sections 4-1.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 4-1.6 and 12-13)

89 Ill. Adm. Code 112.304

Sections 4-1.6, 4-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 4-1.6, 4-2 and 12-13)

- 5) Effective Date of Adopted Amendments: April 16, 1990

- 6) Do these rulemaking contain an automatic repeal date?
Yes ☐ No ☒

- 7) Do these Adopted Amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: April 16, 1990

- 9) Notice of Proposal Published in Illinois Register:

89 Ill. Adm. Code 112.154

December 8, 1989 (13 Ill. Reg. 19117)

89 Ill. Adm. Code 112.304

January 12, 1990 (14 Ill. Reg. 538)

- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

- 11) Differences between proposal and final version: No substantive changes were made to the text of these Adopted

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Amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace an Emergency Amendment currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.9	Amendment	February 23, 1990 (14 Ill. Reg. 2798)
112.70	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.71	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.72	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.74	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.76	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.77	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.78	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.79	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.80	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.82	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.83	Renumbered & Amended	January 19, 1990 (14 Ill. Reg. 1123)

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Section Numbers	Proposed Action	Illinois Register Citation
112.110	Amendment	March 16, 1990 (14 Ill. Reg. 4054)
112.151	Amendment	March 16, 1990 (14 Ill. Reg. 4054)
112.308	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.315	Renumbered	January 19, 1990 (14 Ill. Reg. 1123)
112.350	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.352	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.354	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.356	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.358	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.360	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.362	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.364	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.366	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.400	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.402	New Section	January 19, 1990 (14 Ill. Reg. 1123)

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.404	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.406	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.408	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.410	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.412	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.414	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.416	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.418	New Section	January 19, 1990 (14 Ill. Reg. 1123)

15) Summary and Purpose of Adopted Amendments:89 Ill. Adm. Code 112.154

Rulemaking appearing in the Illinois Register today under 89 Ill. Adm. Code 103, 112, 113, 114 and 120 implement what have been characterized as the Spousal Impoverishment Sections of the Medicare Catastrophic Coverage Act of 1988.

As a result of the Medicare Catastrophic Coverage Act, Department policy is revised for determining eligibility for residents of long term care facilities when the spouse is living in the community. In addition, Department policy is revised regarding the transfer of assets, whether or not there is a spouse residing in the community.

Prior to the Medicare Catastrophic Coverage Act, the transfer of homestead property did not affect eligibility. Effective with applications filed on or after October 1, 1989, under certain circumstances, the transfer of homestead property may affect eligibility. Also effective for applications filed on or after October 1, 1989, the

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transfer of any property will not create ineligibility unless the applicant is a resident of a long term care facility.

This rulemaking is directed towards making more income and assets available to community spouses; thereby providing for their maintenance in the community without becoming financially impoverished.

Finally, based on comments received during the First Notice period, our experience from October 1989, to January 1990, and a revision of our previous cost estimates, the Department has decided to adopt the maximum income and asset levels (adjusted by the recent increase to the Consumer Price Index) permitted by federal law for this program.

89 Ill Adm. Code 112.304

This rulemaking revises the AFDC budgeting schedule. Although this revision will have no effect on AFDC clients, it will permit the Department to improve administrative processing procedures.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Office of the General Counsel
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER B: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

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SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

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112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
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112.54	Assignment of Medical Support Rights
112.60	Lack of Parental Support or Care
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SUBPART C: PROJECT CHANCE

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112.71	Individuals Exempt From Project Chance
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112.73	Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74	Project Chance Full Assessment Process/Development of an Employment Plan
112.76	Project Chance Orientation
112.77	Illinois Work Experience Program Evaluation Project (Renumbered)
112.78	Project Chance Components
112.79	Project Chance Sanctions
112.80	Good Cause for Failure to Comply with Project Chance Participation Requirements

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Section	Responsible Relative Eligibility For Project Chance
112.81	Project Chance Supportive Services
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112.84	Four Year College/Vocational Training Demonstration Project
112.85	

SUBPART E: PROJECT ADVANCE

Section	
112.86	Project Advance
112.87	Project Advance Experimental and Control Groups
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112.90	Project Advance Sanctions
112.91	Good Cause for Failure to Comply with Project Advance
112.93	Individuals Exempt From Project Advance
112.95	Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

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SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section	
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112.101	Unearned Income of Stepparent, Parent or Legal Guardian
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112.107	Initial Receipt of Unearned Income
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112.115	Education Benefits
112.120	Incentive Allowances
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SUBPART H: PAYMENT AMOUNTS

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SUBPART I: OTHER PROVISIONS

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Section	Institutional Status
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AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 4-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27,

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1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive

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change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 6, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 11.52 and

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112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306 effective April 16, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.154 Property Transfers

- a) The provisions for the transfer of property (i.e., assets) do not affect eligibility for applications filed on or after October 1, 1989, regardless of the date of the transfer, or to applications filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989.
- b) The provisions listed below apply to applications filed prior to October 1, 1989, and only with respect to property (i.e., assets) transferred prior to October 1, 1989.
- a) 1) A transfer of assets occurs when an applicant or recipient buys sells or gives away real or personal property or changes (e.g., changes from

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.154 Property Transfers (Cont'd)

joint tenancy to tenancy in common) the way property is held.

b) 2) A transfer is allowable if:

1) A) the transfer occurred more than two years from the date of review;

2) B) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values;

3) C) The transfer was involuntary (e.g., tax sales, judgment sales, etc.);

4) D) the transfer was due to separation, divorce or other settlement (i.e., when the court orders a settlement of a client's assets or when the client and the client's spouse divide their assets in half without a court order);

5) E) the transfer was a change from an individual to joint bank account;

6) F) the transfer was of exempt assets;

7) G) the transfer was an equal division of marital assets.

e) 3) If the transfer does not fall within the listing of subsection (b) above, the transfer will be reviewed to determine if the transfer was made to qualify for or increase the need for assistance. If the transfer was made to qualify for or increase the need for assistance, the client is ineligible until whichever occurs first:

1) A) the asset is returned; or

- 2) a fair market value is paid to the client; or
- 3) the period of time the asset would meet the client's needs has passed; or
- 4) two years has passed.
- 4) If a client transfers an asset which is not allowable the client must verify that the transfer was not made to qualify for assistance (e.g., a bank repossesses the property. The client must provide a copy of the repossession paper(s) to the department).

45) Length of Ineligibility

- 1) The client is ineligible for assistance for the number of months that the asset would have met his/her needs up to 2 years from the date of the transfer. (To determine the number of months the asset would have met the client's need, divide the amount of the asset by the AFDC Standard of Need plus incurred medical expenses.)
- 2) For applicants, the first month of ineligibility is the month of application.
- 3) For recipients, the first month of ineligibility is the month assistance was discontinued because of the transfer.
- (Source: Amended at 14 Ill. Reg. 6306, effective April 16, 1990)

SUBPART I: OTHER PROVISIONS

Budgeting Schedule

Section 112.304

a) The budget month and payment month for each AFDC case are determined by the schedule the unit is in, which schedule also governs the approximate mailing date of the assistance grant:

SCHEDULE NUMBER	BUDGET MONTH AND PAYMENT MONTH DATES	
	BUDGET MONTH	PAYMENT MONTH
01	1st through last day of calendar month	1st through last day of calendar month
02	1st through last day of calendar month	1st through last day of calendar month
03	2nd through 1st of next calendar month	2nd through 1st of next calendar month
04	3rd through 4th	3rd through 4th
05	5th through 6th	5th through 6th
06	7th through 8th	7th through 8th
07	8th through 9th	8th through 9th
08	9th through 10th	9th through 10th
09	10th through 11th	10th through 11th
10	11th through 12th	11th through 12th
11	12th through 13th	12th through 13th
12	13th through 14th	13th through 14th
13	14th through 15th	14th through 15th
14	15th through 16th	15th through 16th
15	16th through 17th	16th through 17th
16	17th through 18th	17th through 18th
17	18th through 19th	18th through 19th
18	19th through 20th	19th through 20th
19	20th through 21st	20th through 21st
20	21st through 22nd	21st through 22nd
21	22nd through 23rd	22nd through 23rd
22	23rd through 24th	23rd through 24th
23	24th through 25th	24th through 25th
24	25th through 26th	25th through 26th
25	26th through 27th	26th through 27th
26	27th through 28th	27th through 28th
27	28th through 29th	28th through 29th
28	29th through 30th	29th through 30th
29	30th through 31st	30th through 31st
30	31st through 1st of next calendar month	31st through 1st of next calendar month

b) The above table applies to all AFDC units whether or not they report monthly, and the assistance grant is mailed at or near the beginning of the payment month.

(Source: Amended at 14 Ill. Reg. 6306, effective April 16, 1990)

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NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Numbers: Adopted Action:

113.154 Amendment

113.155 New Section

113.253 Amendment

113.260 Amendment

4) Statutory Authority:

89 Ill. Adm. Code 113.154 and 113.155

Sections 3-1.2, 3-1.3 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1.2, 3-1.3 and 12-13, as amended by P.A. 86-431, effective January 1, 1990)

89 Ill. Adm. Code 113.253 and 113.260

Sections 3-1.2, 3-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1.2, 3-5 and 12-13)

5) Effective Date of Adopted Amendments: April 16, 1990

6) Does this rulemaking contain an automatic repeal date?
 Yes ☐ No ☒

7) Do these Adopted Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 16, 1990

9) Notices of Proposal Published in Illinois Register:

89 Ill. Adm. Code 113.154 and 113.155

December 8, 1989 (13 Ill. Reg. 19130)

89 Ill. Adm. Code 113.253 and 113.260

January 5, 1990 (14 Ill. Reg. 163)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

11) Difference(s) between proposal and final version:

89 Ill. Adm. Code 113.154 and 113.155

In Section 113.155(b)(4) at lines 6 and 13, the figure "\$60,000" is changed to "\$62,580" and the second sentence is deleted and rewritten to read as follows: "The amount of assets a resident may transfer to his or her community spouse is \$62,580 minus any non-exempt assets of the community spouse."

89 Ill. Adm. Code 113.253 and 113.260

No substantive changes were made to the text of these amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace Emergency Amendments Currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
113.9	Amendment	February 23, 1990 (14 Ill. Reg. 2811)

15) Summary and Purpose of Adopted Amendments:

89 Ill. Adm. Code 113.154 and 113.155

Rulemaking appearing in the Illinois Register today under 89 Ill. Adm. Code 103, 112, 113, 114 and 120 implement what have been characterized as the Spousal Impoverishment Sections of the Medicare Catastrophic Coverage Act of 1988.

As a result of the Medicare Catastrophic Coverage Act, Department policy is revised for determining eligibility for residents of long term care facilities when the spouse is living in the community. In addition, Department policy is revised regarding the transfer of assets, whether or not there is a spouse residing in the community.

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Prior to the Medicare Catastrophic Coverage Act, the transfer of homestead property did not affect eligibility. Effective with applications filed on or after October 1, 1989, under certain circumstances, the transfer of homestead property may affect eligibility. Also effective for applications filed on or after October 1, 1989, the transfer of any property will not create ineligibility unless the applicant is a resident of a long term care facility.

This rulemaking is directed towards making more income and assets available to community spouses; thereby providing for their maintenance in the community without becoming financially impoverished.

Finally, based on comments received during the First Notice period, our experience from October 1989, to January 1990, and a revision of our previous cost estimates, the Department has decided to adopt the maximum income and asset levels (adjusted by the recent increase to the Consumer Price Index) permitted by federal law for this program.

89 Ill. Adm. Code 113.253 and 113.260

This rulemaking revises the grant adjustment allowance and shelter care rates as a result of the increase in Social Security benefits. The Department is required under federal regulations to "pass-on" to AABD recipients the amount of the SSI cost of living increase. The Department does this by increasing the grant adjustment allowance, except for shelter care residents. For shelter care residents, the Department increases the shelter care rate (20 CFR 416.2095 - 416.2098).

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Flr.
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section
113.1 Description of the Assistance Program
113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
113.9 Client Cooperation
113.10 Citizenship
113.20 Residence
113.30 Age
113.40 Blind
113.50 Disabled
113.60 Living Arrangement
113.70 Institutional Status
113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
113.100 Unearned Income
113.101 Budgeting Unearned Income
113.102 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103 Initial Receipt of Unearned Income
113.104 Termination of Unearned Income
113.105 Unearned Income In-Kind
113.106 Earmarked Income
113.107 Lump Sum Payments and Income Tax Refunds
113.108 Protected Income
113.109 Earned Income
113.110 Budgeting Earned Income
113.111 Protected Income
113.112 Earned Income
113.113 Budgeting Earned Income
113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115 Initial Employment
113.116 Budgeting Earned Income For Contractual Employees

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Section	
113.117	Budgeting Earned Income For Non-contractual School Employees
113.118	Termination of Employment
113.120	Exempt Earned Income
113.125	Recognized Employment Expenses
113.130	Income From Work/Study/Training Programs
113.131	Earned Income From Self-Employment
113.132	Earned Income From Roomer and Boarder
113.133	Earned Income From Rental Property
113.134	Earned Income In-Kind
113.139	Payments from the Illinois Department of Children and Family Services
113.140	Assets
113.141	Exempt Assets
113.142	Asset Disregard
113.143	Deferral of Consideration of Assets
113.154	Property Transfers For Applications Filed Prior To October 1, 1989
113.155	Property Transfers For Applications Filed On Or After October 1, 1989
113.156	Court Ordered Child Support Payments of Parent/Step-Parent
113.157	Sponsors of Aliens
113.160	Assignment of Medical Support Rights
	SUBPART D: PAYMENT AMOUNTS
Section	
113.245	Payment Levels for AABD
113.246	Personal Allowance
113.247	Personal Allowance Amounts
113.248	Shelter
113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care Rates

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SUBPART E: OTHER PROVISIONS

Section	
113.300	Persons Who May Be Included In the Assistance Unit
113.301	Grandfathered Cases
113.302	Interim Assistance
113.303	Special Needs Authorizations
113.304	Retrospective Budgeting
113.305	Budgeting Schedule
113.306	Purchase and Repair of Household Furniture
113.307	Property Repairs and Maintenance
113.308	Excess Shelter Allowance
113.320	Redetermination of Eligibility
113.500	Attorney's Fees for SSI Appellants

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June

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1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985;

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amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUPPART C: FINANCIAL FACTORS OF ELIGIBILITY

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 113 154 Property Transfers For Applications Filed Prior To October 1, 1989

a) The following transactions are considered transfers of property:

- 1) Sale or gift of real or personal property
- 2) Mortgages and other encumbrances
- 3) Creation of a joint tenancy title or joint ownership
- 4) Transfer to obtain support and/or care
- 5) Transfer for assumption of property payments
- 6) Transfer to create a trust or purchase an annuity
- 7) Purchase of a pre-paid burial plan
- 8) Transfer or assignment of a life insurance policy in force upon the life of a client which has a cash surrender value at the time of the transfer or the naming of an irrevocable beneficiary of such a policy
- 9) Any other transaction which results in a client disposing of any or all of his interest in real or personal property

b) Transfers by Applicants and Recipients
Property transfers completed within two years of the date of application for assistance shall be considered in determining eligibility. If a fair market value was not received, the client shall be ineligible for assistance unless he can provide acceptable proof that he did not transfer the property to qualify for or increase his need for public assistance. Factors to be considered when making this determination include but are not limited to:

- 1) the client's physical and mental condition at the time of transfer
- 2) the client's financial situation at the time of transfer

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Section 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Cont'd)

- 3) the clients need for assistance at the time of transfer
 - 4) changes in living arrangements at the time of transfer, and
 - 5) how soon after the transfer the client applied for assistance. The period of eligibility begins at the date of application for applicants and the date of termination for recipients. The period of eligibility lasts from the initial date for as long as the asset would meet the clients needs if it were available, but in no case shall it last longer than 2 years from the date of transfer.
- e) A client is determined ineligible under the above paragraph may become eligible if the following occurs:
- 1) The property is reconveyed to the client
 - 2) An adequate consideration is paid to the client
- d) It shall be the responsibility of the client to report all property transfers to the local office within five working days of the transaction.
- 1) If an unreported transfer of property was made by an client within two years prior to the date of the application or was made after the filing of the application but before assistance was authorized and assistance to which the client was not entitled was received as a result of the failure to report the transfer, assistance shall be cancelled or adjusted.
 - 2) If the repayment terms of an unreported property transfer within two years of the date of occurrence, and it was made for no consideration or an inadequate consideration of for a consideration which was not paid, the client must show the transfer was not made to qualify for or increase the need for assistance.
 - 3) Any unreported transfer of real property made by

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Section 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Cont'd)

a client shall be considered made to qualify for public assistance when:

- A) The transfer was not recorded or registered or;
 - B) The deed, though recorded or registered, did not state the consideration; or
 - C) The consideration was inadequate or not paid.
- 4) In such cases, the Attorney General may be requested to file suit to rescind the transaction or assignment.

5) Involuntary transfers do not affect eligibility unless there is evidence of collusion on the part of the individual to cause a forced sale and this action increases need for public assistance.

6) When the property transfer was made to obtain support or care and the terms of the agreement are being met, only those items not included in the agreement may be met through an assistance program.

7) When it has been established that the property transfer was made to obtain support or care and this obligation still exists and the support or care is not being received, the client must seek legal guidance and assistance in an effort to enforce his claim before assistance may be authorized.

8) When a client sells real property and purchases other real property, the Department shall file a lien against the newly acquired property before it releases its lien against the original property or the recipient must guarantee the lien against the original property by posting an acceptable bond. When an individual sells his real property, satisfaction of the State's lien takes precedence over other uses of the proceeds from the sale after prior encumbrances have been satisfied. After satisfaction of the State's

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Section 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Cont'd)

lien, any net proceeds from the sale are to be treated as assets.

9) Transfers because of separation, divorce or other settlement shall not affect eligibility if they are Court-ordered or if no Court order if the client and his spouse divide the property in half.

10) Transfers from an individual bank account to a joint bank account do not affect eligibility if the money continues to be used for the client's needs.

11) Transfers of assets which are exempt at the time of transfer do not affect eligibility.

12) When the client and his/her spouse equally divide marital property, provided the spouse's share of the marital property is not available to the client, the transfer does not affect eligibility.

13) The transfer of homestead property does not affect eligibility. Homestead property is the dwelling (together with adjoining and related real estate) owned and occupied by the individual.

The provisions listed below apply to applications filed prior to October 1, 1989, and only with respect to property (i.e., assets) transferred prior to October 1, 1989.

a) A transfer of assets occurs when an applicant or recipient buys sells or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.

b) A transfer is allowable if:

- 1) the transfer occurred more than two years from the date of review;
- 2) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from

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Section 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Cont'd)

institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values.

- 3) the transfer was involuntary (e.g., tax sales, judgment sales, etc.);
- 4) the transfer was due to separation, divorce or other settlement (e.g., when the court orders a settlement of a client's assets or when the client and the client's spouse divide their assets in half without a court order);
- 5) the transfer was a change from an individual to joint bank account;
- 6) the transfer was of exempt assets;
- 7) the transfer was an equal division of marital assets.

c) If the transfer does not fall within the listing of subsection (b) above, the transfer will be reviewed to determine if the transfer was made to qualify for or increase the need for assistance. If the transfer was made to qualify for or increase the need for assistance, the client is ineligible until whichever occurs first:

- 1) the asset is returned; or
- 2) a fair market value is paid to the client; or
- 3) the period of time the asset would meet the client's needs has passed; or
- 4) two years has passed.

d) If a client transfers an asset which is not allowable the client must verify that the transfer was not made to qualify for assistance (e.g., a bank repossesses the property. The client must provide a copy of the repossession paper(s) to the Department).

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Section 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Cont'd)

e) The client is ineligible for assistance for the number of months that the asset would have met his/her needs up to two (2) years from the date of the transfer. (To determine the number of months the asset would have met the client's need, divide the amount of the asset by the client's unmet need based on the AABD Assistance Standard plus incurred medical expenses. However, Shelter Care payments are allowed at the private pay rate.)

- 1) For applicants, the first month of ineligibility is the month of application.
- 2) For recipients, the first month of ineligibility is the month assistance was discontinued because of the transfer.

(Source: Amended at 14 Ill. Reg. 6321, effective April 16, 1990)

Section 113.155 Property Transfers For Applications Filed On Or After October 1, 1989

The provisions for the transfer of property (i.e., assets) listed below apply to residents of long term care facilities who apply for assistance on or after October 1, 1989, regardless of the date of the transfer and to residents whose application is filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989. These provisions do not apply to individuals who reside in the community.

- a) A transfer of assets occurs when a resident of a long term care facility buys, sells or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.
- b) A transfer is allowable if:
 - 1) the transfer occurred more than thirty (30) months from the date of application;
 - 2) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is

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NOTICE OF ADOPTED AMENDMENTS

Section 113.155 Property Transfers For Applications Filed On
Or After October 1, 1989 (Cont'd)

determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values.

3) homestead property was transferred to:

- A) a spouse;
- B) the individual's child who is under age 21;
- C) the individual's child who is blind or permanently and totally disabled;
- D) the individual's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one (1) year immediately prior to the date the individual entered the facility; or
- E) the individual's child who provided care for the individual and who was residing in the homestead property for two (2) years immediately prior to the date the individual entered the facility.

4) The transfer was to the community spouse or to another individual for the sole benefit of the community spouse and the amount transferred does not exceed the Community Spouse Asset Allowance. The Community Spouse Asset Allowance is an amount up to but not greater than \$62,580 that the resident may transfer, without affecting eligibility, to the community spouse or to another individual for the sole benefit of the community spouse. The amount of assets a resident may transfer to his or her community spouse is \$62,580 minus any non-exempt assets of the community spouse. The Community Spouse Asset Allowance is subject to the following qualifiers:

- A) The amount of assets sufficient to provide (the amount of income generated) the Community Spouse Maintenance Needs Allowance

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NOTICE OF ADOPTED AMENDMENTS

Section 113.155 Property Transfers For Applications Filed On
Or After October 1, 1989 (Cont'd)

(as described at 89 Ill. Adm. 120.61) as determined by a fair hearing; or

B) The amount transferred under a court order to the community spouse.

5) the transfer was to the individual's child who is blind or permanently and totally disabled or to another person for the sole benefit of the individual's child;

6) the individual intended to transfer the assets for fair market value;

7) It is determined that denial of assistance would create an undue hardship;

8) it is determined that the transfer was made for a reason other than to qualify for assistance; or

9) the transfer was to the community spouse and was the result of a court order.

c) If the transfer does not fall within the listing of subsection (b) above, the client is ineligible beginning with the month in which such assets were transferred and until whichever occurs first:

- 1) the period of time the uncompensated amount of the asset would meet the monthly cost of long term care (private rate) at the facility; or
- 2) thirty (30) months from the month of the transfer.

(Source: Added at 14 Ill. Reg. 6321, effective April 16, 1990)

SUBPART D: PAYMENT AMOUNTS

Section 113.253 Allowances for Increase in SSI Benefits

- a) An allowance for \$189.90 \$207.90 is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the

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NOTICE OF ADOPTED AMENDMENTS

Section 113.253 Allowances for Increase in SSI Benefits (Cont'd)

amount of the SSI increase from July 1977 and later will be available to clients.

- b) EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of \$10.00 is authorized. Individuals receiving Interim Assistance or residing in long term group care facilities do not receive any "grant adjustment".

(Source: Amended at 14 Ill. Reg. 6321, effective April 16, 1990)

Section 113.260 Sheltered Care Rates

Group II Counties	Needs Assessment	Group III Counties
\$ 586.55	0-7	\$ 598.55
591.55	8	604.55
596.55	9	610.55
601.55	10	616.55
606.55	11	622.55
611.55	12	628.55
616.55	13	634.55
621.55	14	640.55
626.55	15	646.55
631.55	16	652.55
636.55	17	658.55
641.55	18	664.55
646.55	19	669.55

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 113.260 Sheltered Care Rates (Cont'd)

Group II Counties	Needs Assessment	Group III Counties
\$651.55	20	\$675.33
656.55	21	681.55
661.55	22	687.55
666.55	23	693.55
671.55	24	699.55

- a) Group II Counties are counties other than Cook, DuPage, Kane, Lake and Will.

- b) Group III Counties are Cook, DuPage, Kane, Lake and Will.

- c) Rate includes shelter factor and approved activity and social rehabilitation programs.

AGENCY NOTE: See 89 Ill. Adm. Code 140.850 through 140.885 for needs assessment guidelines.

(Source: Amended at 14 Ill. Reg. 6321, effective April 16, 1990)

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NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: DRUG MANUAL
- 2) Code Citation: 89 Ill. Adm. Code 141
- 3) Section Number: Adopted Action:
141.10 Amendment
- 4) Statutory Authority: Sections 5-5.13 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, pars. 5-5.13 and 12-13, as amended by P.A. 86-0896, effective January 1, 1990)
- 5) Effective Date of Amendment: April 16, 1990
- 6) Does this Amendment contain an automatic repeal date?
Yes ☐ No ☒
- 7) Does this Adopted Amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 16, 1990
- 9) Notice of Proposal Published in Illinois Register:
December 29, 1989 (13 Ill. Reg. 20288)
- 10) Has JCAR issued a Statement of Objections to this Adopted Amendment? No
- 11) Difference(s) between proposal and final version: No substantive changes were made to the text of this amendment.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this Amendment replace an Emergency Amendment currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
141.100	Amendment	February 16, 1990 (14 Ill. Reg. 2465)

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Section Numbers	Proposed Action	Illinois Register Citation
141.200	Amendment	February 16, 1990 (14 Ill. Reg. 2465)
141.280	Amendment	February 16, 1990 (14 Ill. Reg. 2465)
141.560	Amendment	February 16, 1990 (14 Ill. Reg. 2465)
141.800	Amendment	February 16, 1990 (14 Ill. Reg. 2465)
141.1000	Amendment	February 16, 1990 (14 Ill. Reg. 2465)
141.1320	Amendment	February 16, 1990 (14 Ill. Reg. 2465)
141.1880	Amendment	February 16, 1990 (14 Ill. Reg. 2465)
141.3440	Amendment	February 16, 1990 (14 Ill. Reg. 2465)
141.3480	Amendment	February 16, 1990 (14 Ill. Reg. 2465)
141.3880	Amendment	February 16, 1990 (14 Ill. Reg. 2465)
141.4360	Amendment	February 16, 1990 (14 Ill. Reg. 2465)
141.4640	Amendment	February 16, 1990 (14 Ill. Reg. 2465)

- 15) Summary and Purpose of Adopted Amendment: This rulemaking establishes a procedure for expedited review of drug products for the treatment of Acquired Immunodeficiency Syndrome (AIDS) when such drugs are subject to a Federal Drug Administration Treatment Investigational New Drug Application and are not available to the recipient free of charge from the manufacturer or distributor.

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16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Flr.
Springfield, Illinois 62762

Telephone: 217/782-1233

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 141
DRUG MANUAL

Section	
141.10	DRUG MANUAL
141.100	AGENCY NOTES
141.200	ANALGESICS/NARCOTIC ANTAGONISTS: ANTIRHEUMATIC
141.240	ANALGESICS/NARCOTIC ANTAGONISTS: GOUT
141.280	ANALGESICS/NARCOTIC ANTAGONISTS: MIGRAINE
141.320	ANALGESICS/NARCOTIC ANTAGONISTS: NARCOTIC ANTAGONISTS
141.360	ANALGESICS/NARCOTIC ANTAGONISTS: NONOPIATE AGONISTS
141.400	ANALGESICS/NARCOTIC ANTAGONISTS: OPIATE AGONISTS
141.440	ANTI-ALCOHOL
141.480	ANTICONVULSANTS
141.520	ANTIDOTES
141.560	ANTIHYPERTENSIVES
141.600	ANTIMICROBIAL: AMINOGLYCOSIDES
141.640	ANTIMICROBIAL: ANTIFUNGALS
141.680	ANTIMICROBIAL: ANTITUBERCULARS
141.720	ANTIMICROBIAL: CEPHALOSPORINS
141.760	ANTIMICROBIAL: ERYTHROMYCINS
141.800	ANTIMICROBIAL: MISCELLANEOUS
141.840	ANTIMICROBIAL: NITROFURANTOINS
141.880	ANTIMICROBIAL: PENICILLINS
141.920	ANTIMICROBIAL: SULFONAMIDES
141.960	ANTIMICROBIAL: TETRACYCLINES
141.1000	ANTIMICROBIAL: VACCINES
141.1040	BLOOD: ANTIANEMIA
141.1080	BLOOD: ANTICOAGULANT
141.1120	BLOOD: HEMOSTATIC
141.1125	BLOOD: MISCELLANEOUS
141.1160	CALCIUM
141.1200	CARDIOVASCULAR: ANTIANGINAL
141.1240	CARDIOVASCULAR: ANTIARRHYTHMIC
141.1280	CARDIOVASCULAR: ANTIHYPERLIPIDEMICS
141.1320	CARDIOVASCULAR: BETA BLOCKERS
141.1360	CARDIOVASCULAR: DIGITALIS GLYCOSIDES
141.1400	CARDIOVASCULAR: HYPOTENSION/SHOCK
141.1440	CARDIOVASCULAR: VASODILATOR (Repealed)
141.1480	CONTRACEPTIVE: NONORAL
141.1500	DIAPER RASH PRODUCTS
141.1520	DIURETICS
141.1320	CARDIOVASCULAR: BETA BLOCKERS
141.1360	CARDIOVASCULAR: DIGITALIS GLYCOSIDES

Section	
141.1400	CARDIOVASCULAR: HYPOTENSION/SHOCK
141.1440	CARDIOVASCULAR: VASODILATOR (Repealed)
141.1480	CONTRACEPTIVE: NONORAL
141.1500	DIAPER RASH PRODUCTS
141.1520	DIURETICS
141.1560	DOPAMINE RECEPTOR AGONISTS
141.1600	ENZYMES
141.1640	EYE/EAR/NOSE/THROAT: ANTIBIOTICS
141.1680	EYE/EAR/NOSE/THROAT: ANTI-INFLAMMATORY
141.1720	EYE/EAR/NOSE/THROAT: ANTIVIRALS
141.1760	EYE/EAR/NOSE/THROAT: ANTIBIOTIC/ANTI-INFLAMMATORY
141.1800	EYE/EAR/NOSE/THROAT: LOCAL ANESTHETICS
141.1840	EYE/EAR/NOSE/THROAT: LUBRICANTS
141.1880	EYE/EAR/NOSE/THROAT: MIOTICS/GLAUCOMA
141.1920	EYE/EAR/NOSE/THROAT: MISCELLANEOUS
141.1960	EYE/EAR/NOSE/THROAT: MISCELLANEOUS ANTI-INFECTIVES
141.2000	EYE/EAR/NOSE/THROAT: MYDRIATICS
141.2040	EYE/EAR/NOSE/THROAT: SULFONAMIDES
141.2080	EYE/EAR/NOSE/THROAT: SULFONAMIDE/ANTI-INFLAMMATORY
141.2120	EYE/EAR/NOSE/THROAT: TOPICAL DECONGESTANTS
141.2160	GASTROINTESTINAL: ANTACID/ADSORBENTS
141.2200	GASTROINTESTINAL: ANTIDIARRHEA
141.2240	GASTROINTESTINAL: ANTISPASMODICS
141.2280	GASTROINTESTINAL: DIGESTANTS
141.2320	GASTROINTESTINAL: EMETICS/ANTIEMETICS
141.2360	GASTROINTESTINAL: LAXATIVES
141.2400	GASTROINTESTINAL: MISCELLANEOUS
141.2440	GLUCOSE ELEVATORS
141.2480	HOMEOSTATIC/NUTRITIONAL: ACIDIFIERS
141.2520	HOMEOSTATIC/NUTRITIONAL: ALKALINIZERS
141.2560	HOMEOSTATIC/NUTRITIONAL: AMMONIA DETOXICANTS
141.2600	HOMEOSTATIC/NUTRITIONAL: INSULIN
141.2640	HOMEOSTATIC/NUTRITIONAL: IV FLUIDS
141.2680	HOMEOSTATIC/NUTRITIONAL: ORAL HYPOLYCEMICS
141.2720	HOMEOSTATIC/NUTRITIONAL: VITAMINS
141.2760	HORMONES/AGENTS AFFECTING MECHANISMS: ADRENAL
	CORTICAL STEROIDS
141.2800	HORMONES/AGENTS AFFECTING MECHANISMS: ANABOLIC
	HORMONES
141.2840	HORMONES/AGENTS AFFECTING MECHANISMS: ANDROGENS
141.2880	HORMONES/AGENTS AFFECTING MECHANISMS: ANTIHYROID
141.2920	HORMONES/AGENTS AFFECTING MECHANISMS:
	ESTROGENS/PROGESTINS
141.2960	HORMONES/AGENTS AFFECTING MECHANISMS: ORAL
	CONTRACEPTIVES
141.3000	HORMONES/AGENTS AFFECTING MECHANISMS: OXYTOCICS
141.3040	HORMONES/AGENTS AFFECTING MECHANISMS: PARATHYROID

Section	
141.3080	HORMONES/AGENTS AFFECTING MECHANISMS: PITUITARY
141.3120	HORMONES/AGENTS AFFECTING MECHANISMS: THYROID
141.3160	HYDROCHOLERETICS
141.3200	IMMUNOSUPPRESSIVES
141.3240	IRRIGATION SOLUTIONS
141.3280	MEDICAL SUPPLIES
141.3320	MISCELLANEOUS
141.3360	NEUROMUSCULAR DISORDERS: MYASTHENIA GRAVIS
141.3400	ONCOLYTIC/ANTINEOPLASTIC: ALKYLATING
141.3440	ONCOLYTIC/ANTINEOPLASTIC: ANTIBIOTICS
141.3480	ONCOLYTIC/ANTINEOPLASTIC: ANTINEUTROPHILS
141.3520	ONCOLYTIC/ANTINEOPLASTIC: HORMONES
141.3560	ONCOLYTIC/ANTINEOPLASTIC: MISCELLANEOUS
141.3600	OSTEOMY SUPPLIES
141.3640	PARASITICIDAL: ANTHELMINTICS
141.3680	PARASITICIDAL: ANTIPROTOZOALS
141.3720	POTASSIUM
141.3760	PSYCHOTHERAPEUTIC: ANTIANXIETY
141.3800	PSYCHOTHERAPEUTIC: ANTIDEPRESSANTS
141.3840	PSYCHOTHERAPEUTIC: ANTIMANIC
141.3880	PSYCHOTHERAPEUTIC: ANTIPARKINSON
141.3920	PSYCHOTHERAPEUTIC: ANTIPSYCHOTIC
141.3960	PSYCHOTHERAPEUTIC: MISCELLANEOUS
141.4000	PSYCHOTHERAPEUTIC: SEDATIVE/HYPNOTIC
141.4040	RESPIRATORY/ALLERGIC: ANTI-ASTHMATIC
141.4080	RESPIRATORY/ALLERGIC: ANTIHISTAMINE
141.4120	RESPIRATORY STIMULANTS
141.4160	SKELETAL MUSCLE RELAXANTS
141.4200	SKIN/MUCOUS MEMBRANE: ANTIBIOTICS
141.4230	SKIN/MUCOUS MEMBRANE: ANTIFUNGAL/ANTI-INFLAMMATORY
141.4240	SKIN/MUCOUS MEMBRANE: ANTI-INFLAMMATORIES
141.4280	SKIN/MUCOUS MEMBRANE: ANTI-PRURITICS/ANESTHETICS
141.4320	SKIN/MUCOUS MEMBRANE: ASTRINGENTS
141.4360	SKIN/MUCOUS MEMBRANE: DERMAL ULCERS
141.4440	SKIN/MUCOUS MEMBRANE: FUNGICIDES
141.4480	SKIN/MUCOUS MEMBRANE: KERATOCYTIC
141.4520	SKIN/MUCOUS MEMBRANE: LOCAL ANTI-INFECTIVES
141.4560	SKIN/MUCOUS MEMBRANE: MISCELLANEOUS
141.4600	SKIN/MUCOUS MEMBRANE: SCABICIDES/PEDICULOCIDES
141.4640	TESTING SUPPLIES
141.4680	UNCLASSIFIED
141.4720	URINARY ANTISPASMODICS
141.4760	VAGINAL: ANTI-INFECTIVES
141.4800	VAGINAL: MISCELLANEOUS

AUTHORITY: Implementing and authorized by Sections 5-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Ch. 23, pars. 5-5 and 12-13).

SOURCE: Emergency amendment at 5 Ill. Reg. 13555, effective December 1, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 9991, effective August 1, 1982; emergency amendment at 6 Ill. Reg. 10042, effective August 1, 1982, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 1178, effective February 1, 1983, for a maximum of 150 days; amended and codified as 89 Ill. Adm. Code 140.72 at 7 Ill. Reg. 17358, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13779, effective July 24, 1984; amended at 89 Ill. Adm. Code 140.72 and 89 Ill. Adm. Code 140.73 at 8 Ill. Reg. 16354; amended at 9 Ill. Reg. 3335, effective March 1, 1985; amended at 9 Ill. Reg. 19018, effective December 1, 1985; emergency amendment at 10 Ill. Reg. 8153, effective May 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 17681, effective September 28, 1986; emergency amendment at 10 Ill. Reg. 20828, effective December 1, 1986, for a maximum of 150 days; recodified from 89 Ill. Adm. Code 140.71 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 5235, effective March 12, 1987; emergency amendment at 11 Ill. Reg. 5330, effective March 13, 1987 for a maximum of 150 days; amended at 11 Ill. Reg. 11113, effective June 10, 1987; emergency amendment at 11 Ill. Reg. 11361, effective June 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 16726, effective September 30, 1987; emergency amendment of 11 Ill. Reg. 20236, effective December 1, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 7358, effective April 12, 1988; emergency amendment at 12 Ill. Reg. 10197, effective June 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14219, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 15667, effective September 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 20851, effective December 2, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 516, effective December 28, 1988; amended at 13 Ill. Reg. 3850, effective March 17, 1989; emergency amendment at 13 Ill. Reg. 8036, effective May 15, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 10700, effective June 15, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15672, effective September 22, 1989; amended at 13 Ill. Reg. 16982, effective October 20, 1989; emergency amendment at 13 Ill. Reg. 17940, effective November 1, 1989, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 2657, effective February 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 3595, effective February 27, 1990; amended at 14 Ill. Reg. 6339, effective April 16, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 141.10 DRUG MANUAL

- a) Consistent with its mandate to provide for the health and safety of medical assistance recipients, the Department shall provide for the timely additions and deletions of drugs to the Drug Manual (see 89 Ill. Adm. Code 141). Such additions and deletions of drugs to the Drug Manual shall be pursuant to Section 5-5.16 of the Illinois Public Aid Code (ILL. REV. STAT. 1993 1987, CH. 23, PAR. 5-5.16). THE DEPARTMENT SHALL ADOPT AS A RULE PURSUANT TO SECTION 5 OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT (ILL. REV. STAT. 1983 1987, CH. 127, PAR. 1005) A BASIC FORMAT FOR THE CONSIDERATION OF DRUGS FOR PROVIDER REIMBURSEMENT. The Department, on its own behalf may determine the extent of drug coverage, where allowed by state and federal law, in the following manner.

b) Drug Review Process

- 1) It is the responsibility of the Department to consult with individuals or organizations which possess appropriate expertise in the areas of pharmacology and medicine. In doing so, the Department shall consult with organizations composed of physicians, pharmacologists, or both, and shall, to the extent that it consults with organizations, limit its consultations to organizations which include within their membership physicians practicing in all of the representative geographic areas in which recipients reside and practicing in a majority of the areas of specialization for which the Department reimburses physicians for providing care to recipients.

- 2) The Department shall consult with a panel from such organization (the panel is selected by such organization) to review and make recommendations on the additions to and deletions from the Drug Manual. This panel shall meet not less than four times a year for the purpose of the review of drugs to be added to or deleted from the Drug Manual. The actions of the panel shall be non-binding upon the Department and can in no way bind or otherwise limit the Department's right to determine in its sole discretion additions to or deletions from the Drug Manual.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 141.10 DRUG MANUAL (Cont'd)

c) Upon receipt of the final agenda established for each meeting of the above described panel, the Department shall promptly review materials and literature supplied by drug manufacturers. Additional literature may be researched by the Department to assist them in their review of the products on the agenda. The Department shall make recommendations (i.e., regarding additions, deletions and general changes to the Drug Manual) and shall within ten (10) working days of receipt of the agenda transmit such recommendations in writing to the panel. This shall be done for each meeting of the above described panel.

d) The consulting organization, based upon the recommendations of its expert panel shall review and comment on each of the recommendations of the Department and shall transmit its recommendations to the Department in writing.

e) Upon receipt of this transmittal letter, the Department shall notify within fifteen (15) working days all interested parties, including the pharmaceutical manufacturers of the products, all recommendations of the consulting organization accepted or rejected by the Director. Within forty-five (45) days from receipt of the transmittal letter, the Department shall make effective for reimbursement, those products accepted by the Director for additions to the Drug Manual. (Additions, deletions and general changes shall be made to the Drug Manual through emergency rulemaking pursuant to Section 5.02 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1983 1987, ch. 127, par. 1005.02), and as soon as practicable thereafter, as a proposed rule pursuant to Section 5.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1983 1987, ch. 127, par. 1005.01)). Deletions from the Drug Manual shall not become effective without thirty (30) days prior notice to providers and all interested parties, including the manufacturers of the deleted products. The Department shall establish and maintain a mailing list of all interested parties who wish to receive a copy of the Drug Manual and applicable notice.

f) New dosage strengths and new forms of products

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 141.10 DRUG MANUAL (Cont'd)

currently included in the Drug Manual shall be included in the Drug Manual following U.S. Food and Drug Administration approval and request of the manufacturer, unless otherwise designated by the Director. In such a case, the Director shall submit the new dosage strength, or new form, to the standard inclusion procedure described above.

g) Drug manufacturers shall be afforded an opportunity to request reconsideration of products not recommended to be added to the Drug Manual. Drug manufacturers shall also be afforded an opportunity to request reconsideration of drugs deleted from the Drug Manual. The Drug manufacturers may submit whatever information they deem appropriate to support their request for reconsideration of the drug product. All reconsideration requests must be submitted in writing to the Department and shall be considered at the next regularly scheduled meetings of the above described expert panel convened by the consulting organization.

h) The Department shall utilize the procedures described in subsections (a) through (g) of this Section to give EXPEDITED REVIEW, FOR PURPOSES OF INCLUSION IN THE DRUG MANUAL, OF ANY DRUG FOR THE TREATMENT OF ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) WHICH THE FEDERAL FOOD AND DRUG ADMINISTRATION HAS INDICATED IS SUBJECT TO A TREATMENT INVESTIGATIONAL NEW DRUG APPLICATION, and which is not available free of charge to recipients from the drug manufacturer or distributor (Section 5-5.13 of the Illinois Public Aid Code, Ill. Rev. Stat. 1987, ch. 23, par. 5-5.13, as amended by P.A. 86-0896, effective January 1, 1990).

(Source: Amended at 14 Ill. Reg. 6339, effective April 16, 1990)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: FOOD STAMPS
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: Adopted Action:
121.92 Amendment
- 4) Statutory Authority: Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 12-4.5, 12-4.6 and 12-13)
- 5) Effective Date of Adopted Amendment: April 13, 1990
- 6) Does this rulemaking contain an automatic repeal date?
___ Yes ___ X No
- 7) Does this Adopted Amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 13, 1990
- 9) Notice of Proposal Published in Illinois Register: January 12, 1990 (14 Ill. Reg. 548)
- 10) Has JCAR issued a Statement of Objections to this Adopted Amendment? No
- 11) Difference(s) between proposal and final version: No substantive changes were made to the text of this amendment.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this Adopted Amendment replace an Emergency Amendment currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Adopted Amendment: This rulemaking revises the Food Stamp budgeting schedule. Although this revision will have no effect on Food Stamp clients, it will permit the Department to improve administrative processing procedures.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

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AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 12-4.4 through 12-4.6 and 12-3).

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875 effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399 effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p.

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36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1; effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amended at 4 Ill. Reg. 29, p. 294, effective July 8, 1980 for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective

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October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988, amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.92 Retrospective Budgeting

a) All Food Stamp households shall have income and attendant circumstances budgeted on a retrospective basis except migrant households who are in the migrant job stream.

b) Head Of Household Receives Cash Assistance

1) For households where the Head of Household receives cash assistance from the Department:

Eligibility for Food Stamps is first determined on a prospective basis for all eligibility factors. If eligible on this prospective basis, the actual amount of benefits the household is entitled to receive shall be determined by budgeting income and attendant circumstances retrospectively. At initial application, however, income and attendant circumstances shall be budgeted prospectively for two months before beginning retrospective budgeting in the third month, except for households whose earnings have been reduced due to a strike, voluntary quit, voluntary reduction in wages or who have less income from an assistance program because of an overpayment of Social Security Administration (SSA), SSI, AFDC or General Assistance.

2) Head Of Household Does Not Receive Cash Assistance

A) For households where the Head of Household does not receive cash assistance from the Department:

Eligibility and the amount of benefits shall be determined retrospectively at all times. However, at initial application households which will suffer serious hardship shall have eligibility and the amount of benefits determined by budgeting income and attendant circumstances prospectively for two months before beginning retrospective budgeting. Households which will suffer serious hardship are:

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Section 121.92 Retrospective Budgeting (Cont'd)

- i) Households which have gained or expect to gain a new household member in the month of application;
- ii) Households entitled to expedited services, determined prospectively, for the month of application;
- iii) Households applying for cash assistance from the Department at the same time they are applying for Food Stamps;
- iv) Households who have lost their source of income prior to applying for Food Stamps or whose source of income has been significantly reduced prior to applying for Food Stamps. Income has been significantly reduced if the reduced income (minus 18% of earned income for work expenses) is less than the applicable AFDC payment level for that family size.

- B) Households whose earnings have been reduced due to a strike, voluntary quit, voluntary reduction in wages or who have less income from an assistance program because of an overpayment of Social Security Administration (SSA) or SSI benefits are not entitled to consideration as a serious hardship household.

- c) If a household becomes ineligible for Food Stamps due to a periodic increase in recurring income (e.g. a wage earner is paid every Friday and there are five rather than four paydays in a budget month) the household shall be suspended for a month rather than terminated.

- d) The budget month is the fiscal month from which the Department uses actual income and attendant circumstances to determine the amount of benefits the household is entitled to receive. The payment month is the fiscal month which the food stamp benefits cover. The payment month is the second fiscal month

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Section 121.92 Retrospective Budgeting (Cont'd)

following the budget month for cases subject to retrospective budgeting.

- e) The budget month and payment month for each Food Stamp case are determined by the schedule the household is in, which schedule also governs the approximate mailing date of the food stamp benefits:

SCHEDULE NUMBER	BUDGET MONTH AND PAYMENT MONTH DATES
01	1st-through-last-Day-of-Calendar-Month
02	1st-through-last-Day-of-Calendar-Month
03	2nd-through-1st-of-Next-Calendar-Month
04	3rd-through-2nd--1--1--1--1--1--1
05	5th-through-4th--1--1--1--1--1--1
06	7th-through-6th--1--1--1--1--1--1
07	8th-through-7th--1--1--1--1--1--1
08	9th-through-8th--1--1--1--1--1--1
09	10th-through-9th--1--1--1--1--1--1
10	12th-through-11th--1--1--1--1--1--1
11	13th-through-12th--1--1--1--1--1--1
12	14th-through-13th--1--1--1--1--1--1
13	16th-through-15th--1--1--1--1--1--1
14	17th-through-16th--1--1--1--1--1--1
15	19th-through-18th--1--1--1--1--1--1
16	20th-through-19th--1--1--1--1--1--1
17	21st-through-20th--1--1--1--1--1--1
18	22nd-through-21st--1--1--1--1--1--1
19	24th-through-23rd--1--1--1--1--1--1
20	26th-through-25th--1--1--1--1--1--1
00	1st through last Day of Calendar Month
01	1st through last Day of Calendar Month
02	1st through last Day of Calendar Month
03	1st through last Day of Calendar Month
04	7th through 6th Day of Calendar Month
05	10th through 9th Day of Calendar Month
06	14th through 13th Day of Calendar Month
07	17th through 16th Day of Calendar Month
08	20th through 19th Day of Calendar Month
09	22nd through 21st Day of Calendar Month

- f) The above table applies to all Food Stamp households whether or not they report monthly, and food stamp

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Section 121.92 Retrospective Budgeting (Cont'd)

benefits are mailed at or near the beginning of the payment month.

(Source: Amended at 14 Ill. Reg. 6349, effective April 13, 1990)

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1) The Heading of the Part: GENERAL ASSISTANCE2) Code Citation: 89 Ill. Adm. Code 1143) Section Number: Adopted Action:
114.270 Amendment4) Statutory Authority: Sections 6-1.2, 6-1.10 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 6-1.2, 6-1.10 and 12-13, as amended by P.A. 86-431, effective January 1, 1990)5) Effective Date of Adopted Amendment: April 16, 19906) Does this rulemaking contain an automatic repeal date?
Yes X No7) Does this Adopted Amendment contain incorporations by reference? No8) Date Filed in Agency's Principal Office: April 16, 19909) Notice of Proposal Published in Illinois Register:
December 8, 1989 (13 Ill. Reg. 19146)10) Has JCAR issued a Statement of Objections to this Adopted Amendment? No11) Differences between proposal and final version: No substantive changes were made to the text of this Adopted Amendment.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this Adopted Amendment replace an Emergency Amendment currently in effect? No14) Are there any Amendments pending on this part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
114.9	Amendment	February 23, 1990 (14 Ill. Reg. 2821)

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Section Numbers	Proposed Action	Illinois Register Citation
14.210	Amendment	March 16, 1990 (14 Ill. Reg. 4070)
114.251	Amendment	March 16, 1990 (14 Ill. Reg. 4070)
114.450	New Section	April 6, 1990 (14 Ill. Reg. 5713)
114.452	New Section	April 6, 1990 (14 Ill. Reg. 5713)
114.454	New Section	April 6, 1990 (14 Ill. Reg. 5713)
114.456	New Section	April 6, 1990 (14 Ill. Reg. 5713)
114.458	New Section	April 6, 1990 (14 Ill. Reg. 5713)
114.460	New Section	April 6, 1990 (14 Ill. Reg. 5713)
114.462	New Section	April 6, 1990 (14 Ill. Reg. 5713)
114.464	New Section	April 6, 1990 (14 Ill. Reg. 5713)
114.466	New Section	April 6, 1990 (14 Ill. Reg. 5713)
114.500	New Section	April 6, 1990 (14 Ill. Reg. 5713)
114.502	New Section	April 6, 1990 (14 Ill. Reg. 5713)
114.504	New Section	April 6, 1990 (14 Ill. Reg. 5713)
114.506	New Section	April 6, 1990 (14 Ill. Reg. 5713)

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Section Numbers	Proposed Action	Illinois Register Citation
114.508	New Section	April 6, 1990 (14 Ill. Reg. 5713)
114.510	New Section	April 6, 1990 (14 Ill. Reg. 5713)
114.512	New Section	April 6, 1990 (14 Ill. Reg. 5713)
114.514	New Section	April 6, 1990 (14 Ill. Reg. 5713)
114.516	New Section	April 6, 1990 (14 Ill. Reg. 5713)
114.518	New Section	April 6, 1990 (14 Ill. Reg. 5713)

15) Summary and Purpose of Adopted Amendment: Rulemaking appearing in the Illinois Register today under 89 Ill. Adm. Code 103, 112, 113, 114 and 120 implement what have been characterized as the Spousal Impoverishment Sections of the Medicare Catastrophic Coverage Act of 1988.

As a result of the Medicare Catastrophic Coverage Act, Department policy is revised for determining eligibility for residents of long term care facilities when the spouse is living in the community. In addition, Department policy is revised regarding the transfer of assets, whether or not there is a spouse residing in the community.

Prior to the Medicare Catastrophic Coverage Act, the transfer of homestead property did not affect eligibility. Effective with applications filed on or after October 1, 1989, under certain circumstances, the transfer of homestead property may affect eligibility. Also effective for applications filed on or after October 1, 1989, the transfer of any property will not create ineligibility unless the applicant is a resident of a long term care facility.

This rulemaking is directed towards making more income and assets available to community spouses; thereby providing for their maintenance in the community without becoming financially impoverished.

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Finally, based on comments received during the First Notice period, our experience from October 1989, to January 1990, and a revision of our previous cost estimates, the Department has decided to adopt the maximum income and asset levels (adjusted by the recent increase to the Consumer Price Index) permitted by federal law for this program.

16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section	
114.1	Description of the Assistance Program
114.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.9	Client Cooperation
114.10	Citizenship
114.20	Residence
114.30	Age
114.40	Relationship
114.50	Living Arrangement
114.52	Social Security Numbers
114.60	Work Registration Requirements
114.61	Individuals Exempt From Work Registration Requirements
114.62	Job Service Registration
114.63	Failure to Maintain Current Job Service Registration
114.64	Responsibility to Seek Employment
114.70	Initial Employment Expenses
114.80	Work and Training Programs
114.90	Project Chance Participation/Cooperation Requirements (Renumbered)
114.100	General Assistance Jobs Program (Repealed)

SUBPART C: PROJECT ADVANCE

Section	
114.108	Project Advance
114.109	Project Advance Participation Requirements of Adjudicated Fathers
114.110	Project Advance Cooperation Requirements of Adjudicated Fathers
114.111	Project Advance Sanctions
114.113	Project Advance Good Cause for Failure to Comply
114.115	Individuals Exempt From Project Advance
114.117	Project Advance Supportive Services

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SUBPART D: PROJECT CHANCE

Section	
114.120	Employment, Training, Rehabilitation, and Advocacy for General Assistance Programs Administered by the Illinois Department of Public Aid
114.121	Persons Required to Participate in Employment and Training
114.122	Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act
114.123	Persons in Need of Work Rehabilitative Services (WRS) to Become Employable
114.124	Employment and Training Participation/Cooperation Requirements
114.125	Employment and Training Program Orientation
114.126	Employment and Training Program Full Assessment Process/Development of an Employment Plan
114.127	Employment and Training Program Components
114.128	Employment and Training Sanctions
114.129	Good Cause For Failure to Cooperate With Work and Training Participation Requirements
114.130	Employment and Training Supportive Services
114.140	Employment Child Care

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.200	Unearned Income
114.201	Budgeting Unearned Income
114.202	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.203	Initial Receipt of Unearned Income
114.204	Termination of Unearned Income
114.210	Exempt Unearned Income
114.220	Education Benefits
114.221	Unearned Income In-Kind
114.222	Earmarked Income
114.223	Lump Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.228	Initial Employment
114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses

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Section	
114.240	Income From Work/Study/Training Program (Repealed)
114.241	Earned Income From Self-Employment
114.242	Earned Income From Roomer and Boarder
114.243	Earned Income From Rental Property
114.244	Earned Income In-Kind
114.245	Payments from the Illinois Department of Children and Family Services
114.246	Budgeting Earned Income For Contractual Employees
114.247	Budgeting Earned Income For Non-contractual School Employees
114.250	Assets
114.251	Exempt Assets
114.252	Asset Disregards
114.260	Deferral of Consideration of Assets (Repealed)
114.270	Property Transfers
114.280	Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section	
114.350	Payment Levels for General Assistance
114.351	Payment Levels in Group I Counties
114.352	Payment Levels in Group II Counties
114.353	Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section	
114.400	Persons Who May Be Included In the Assistance Unit
114.401	Eligibility of Strikers
114.402	Special Needs Authorizations
114.403	Institutional Status
114.404	Retrospective Budgeting
114.405	Budgeting Schedule
114.420	Redetermination of Eligibility
114.430	Six Month Extension of Medical Assistance Due to Increased Income From Employment

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 6-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory

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amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982;

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peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150

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days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989 for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section 114.270 Property Transfers

- a) The provisions of the transfer of property (i.e., assets) do not affect eligibility for applications filed on or after October 1, 1989, regardless of the date of the transfer or to applications filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989.
- b) The provisions listed below apply to applications filed prior to October 1, 1989, and only with respect to property (i.e., assets) transferred prior to October 1, 1989.

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Section 114.270 Property Transfers (Cont'd)

- a) 1) A transfer of assets occurs when an applicant or recipient buys sells or gives away real or personal property or changes (e.g., changes from joint tenancy to tenancy in common) the way property is held.
- b) 2) A transfer is allowable if:
- 1) A) the transfer occurred more than two years from the date of review;
- 2) B) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values;
- 3) C) the transfer was involuntary (e.g., tax sales, judgment sales, etc.);
- 4) D) the transfer was due to separation, divorce or other settlement (i.e., when the court orders a settlement of a client's assets or when the client and the client's spouse divide their assets in half without a court order);
- 5) E) the transfer was a change from an individual to joint bank account;
- 6) F) the transfer was of exempt assets;
- 7) G) the transfer was an equal division of marital assets.
- 8) If the transfer does not fall within the listing of subsection (b) above, the transfer will be reviewed to determine if the transfer was made to qualify for or increase the need for assistance. If the transfer was made to qualify for or increase the need for assistance, the client is ineligible until whichever occurs first:

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NOTICE OF ADOPTED AMENDMENT

Section 114.270 Property Transfers (Cont'd)

- 1) A) the asset is returned; or
- 2) B) a fair market value is paid to the client; or
- 3) C) the period of time the asset would meet the client's needs has passed; or
- 4) D) two years has passed.

e)c) If a client transfers an asset which is not allowable the client must verify that the transfer was not made to qualify for assistance (e.g., a bank repossesses the property. The client must provide a copy of the repossession paper(s) to the Department).

e)d) Length of Ineligibility

- 1) The client is ineligible for assistance for the number of months that the asset would have met his/her needs up to 2 years from the date of the transfer. (To determine the number of months the asset would have met the client's need, divide the amount of the asset by the GA Standard of Need plus incurred medical expenses.)
- 2) For applicants, the first month of ineligibility is the month of application.
- 3) For recipients, the first month of ineligibility is the month assistance was discontinued because of the transfer.

(Source: Amended at 14 Ill. Reg. 6360, effective April 16, 1990)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: Adopted Action:
 120.20 Amendment
 120.61 Amendment
 120.285 Amendment
 120.379 New Section
 120.385 Amendment
 120.386 New Section
- 4) Statutory Authority: Sections 5-2.1, 5-4, 7-1.5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-2.1, 5-4, 7-1.5 and 12-13, as amended by P.A. 86-431, effective January 1, 1990)
- 5) Effective Date of Adopted Amendments: April 16, 1990
- 6) Does this rulemaking contain an automatic repeal date?
 Yes ☐ No ☒
- 7) Do these Adopted Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 16, 1990
- 9) Notices of Proposal Published in Illinois Register: December 8, 1989 (13 Ill. Reg. 19157)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The data base for Section 120.61 is updated to reflect a previously adopted amendment and Section 120.61 (d)(1) is rewritten to read as follows: "The deduction for the Community Spouse Maintenance Needs Allowance is equal to the community spouse maintenance needs standard (\$1,565) less any non-exempt monthly income of the community spouse. The deduction is allowed only to the extent income of the institutionalized spouse is contributed to the community spouse. However, the deduction for the Community Spouse Maintenance Needs Allowance shall not be less than the amount ordered by the court for support of the community spouse or the amount determined as the result of the fair

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hearing." In Section 120.386 (b)(4) at line 6, the figure "\$60,000" is changed to "\$62,580" and the third sentence is deleted and rewritten to read as follows: "The amount of assets a resident may transfer to his or her community spouse is \$62,580 minus any non-exempt assets of the community spouse."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
120.11	Amendment	April 20, 1990 (14 Ill. Reg. 5724)
120.31	Amendment	April 20, 1990 (14 Ill. Reg. 5724)
120.60	Amendment	April 20, 1990 (14 Ill. Reg. 5724)
120.64	Amendment	April 20, 1990 (14 Ill. Reg. 5724)
120.70	Amendment	January 12, 1990 (14 Ill. Reg. 558)
120.72	Amendment	January 12, 1990 (14 Ill. Reg. 558)
120.74	Amendment	January 12, 1990 (14 Ill. Reg. 558)
120.76	Amendment	January 12, 1990 (14 Ill. Reg. 558)
120.208	Amendment	February 23, 1990 (14 Ill. Reg. 2831)
120.308	Amendment	February 23, 1990 (14 Ill. Reg. 2831)

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Section Numbers	Proposed Action	Illinois Register Citation
120.235	Amendment	March 16, 1990 (14 Ill. Reg. 4081)
120.281	Amendment	March 16, 1990 (14 Ill. Reg. 4081)
120.390	Amendment	April 20, 1990 (14 Ill. Reg. 5724)
120.391	Amendment	April 20, 1990 (14 Ill. Reg. 5724)

15) Summary and Purpose of Adopted Amendments: Rulemaking appearing in the Illinois Register today under 89 Ill. Adm. Code 103, 112, 113, 114 and 120 implement what have been characterized as the Spousal Impoverishment Section of the Medicare Catastrophic Coverage Act of 1988.

As a result of the Medicare Catastrophic Coverage Act, Department Policy is revised for determining eligibility for residents of long term care facilities when the spouse is living in the community. In addition, Department policy is revised regarding the transfer of assets, whether or not there is a spouse residing in the community.

Prior to the Medicare Catastrophic Coverage Act, the transfer of homestead property did not affect eligibility. Effective with applications filed on or after October 1, 1989, under certain circumstances, the transfer of homestead property may affect eligibility. Also effective for applications filed on or after October 1, 1989, the transfer of any property will not create ineligibility unless the applicant is a resident of a long term care facility.

This rulemaking is directed towards making more income and assets available to community spouses; thereby providing for their maintenance in the community without becoming financially impoverished.

Finally, based on comments received during the First Notice Period, our experience from October 1989, to January 1990, and a revision of our previous cost estimates, the Department has decided to adopt the maximum income and asset levels (adjusted by the recent increase to the Consumer Price Index) permitted by federal law for this program.

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- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility For Medical Assistance
120.11 Eligibility For Medical Assistance For Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60

All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

120.61

Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and MANG(C)
Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643

120.62

Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

120.63

Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

120.64

Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

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Section
120.70
120.72
120.74
120.76

Supplementary Medical Insurance Benefits, Buy-In Program
Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
Qualified Medicare Beneficiary (QMB) Income Standard
Hospital Insurance Benefits (HIB)

Payments from the Illinois Department of Children and Family Services
Assets
Exempt Assets
Asset Disregards
Deferral of Consideration of Assets
Spend-down of Assets (AMI)
Property Transfers
Persons Who May Be Included in the Assistance Unit
Payment Levels for AMI

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80

Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
120.90
120.91

Migrant Medical Program
Income Standards

Client Cooperation
Caretaker Relative
Citizenship
Residence
Age
Blind
Disabled
Relationship
Living Arrangements
Supplemental Payments
Institutional Status
Assignment of Rights to Medical Support and
Collection of Payment
Cooperation in Establishing Paternity and Obtaining
Medical Support
Good Cause for Failure to Cooperate in Establishing
Paternity and Obtaining Medical Support
Proof of Good Cause for Failure to Cooperate in
Establishing Paternity and Obtaining Medical Support
Suspension of Paternity Establishment and Obtaining
Medical Support Upon Finding Good Cause
Foster Care Program
Social Security Numbers
Unearned Income
Budgeting Unearned Income
Exempt Unearned Income
Education Benefits
Incentive Allowance
Unearned Income In-Kind
Court Ordered Child Support Payments of Parent/Step-
Parent
Earmarked Income
Medicaid Qualifying Trusts

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.208
120.210
120.211
120.212
120.215
120.216
120.217
120.218
120.224
120.225
120.230
120.235
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120.240
120.245
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120.262
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120.271
120.272
120.273
120.275

Client Cooperation
Citizenship
Residence
Age
Relationship
Living Arrangement
Supplemental Payments
Institutional Status
Foster Care Program
Social Security Numbers
Unearned Income
Exempt Unearned Income
Education Benefits
Unearned Income In-Kind
Earmarked Income
Lump Sum Payments and Income Tax Refunds
Protected Income
Earned Income
Budgeting Earned Income
Exempt Earned Income
Recognized Employment Expenses
Income From Work/Study/Training Program
Earned Income From Self-Employment
Earned Income From Roomer and Boarder
Earned Income In-Kind

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Section

Lump Sum Payments and Income Tax Refunds

Protected Income

Earned Income

Budgeting Earned Income

Exempt Earned Income

Earned Income Exemption

Exclusion From Earned Income Exemption

Recognized Employment Expenses

Income From Work/Study/Training Programs

Earned Income From Self-Employment

Earned Income From Roomer and Boarder

Earned Income In Kind

Payments from the Illinois Department of Children

and Family Services

Assessment of Assets

Assets

Exempt Assets

Asset Disregard

Deferral of Consideration of Assets

Spend-down of Assets (MANG)

Property Transfers for Applications Filed Prior to

October 1, 1989

Property Transfers Effective for Applications Filed

on or After October 1, 1989

Persons Who May Be Included In the Assistance Unit

Individuals Under Age 18 Who Do Not Qualify For

AFDC/AFPC-MANG And Infants Under Age One Year

Pregnant Women Who Would Not Be Eligible For

AFDC/AFPC-MANG If The Child Were Already Born Or Who

Do Not Qualify As Mandatory Categorically Needy

Pregnant Women And Children Under Age Eight Years

Who Do Not Qualify As Mandatory Categorically Needy

Demonstration Project.

Payment Levels for MANG

Redetermination of Eligibility

120.395

120.399

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978;

peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20,

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1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 6 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987;

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amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 13 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 2, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART B: ASSISTANCE STANDARDS

Section 120.20 MANG(AABD) Income Standard

Number In Family	Monthly Net Income	
	1	2
1	267	333
2	333	458
3	458	517
4	517	

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Section 120.20 MANG(AABD) Income Standard (Cont'd)

5 608
 6 683
 7 717
 8 750
 9 792
 10 833
 11 875
 12 925
 13 975
 14 1025
 15 1075
 16 1133
 17 1192
 18 1258

- a) If the above number in the household exceeds the number provided above, add \$66 for each additional person.
- b) A client receiving care in a public tuberculosis hospital is not considered to be receiving long term care. Such a client's financial eligibility for MANG is determined by use of the Aid to the Aged, Blind or Disabled MANG (AABD) Income Standard.
- c) The MANG (AABD) Income Standard is used in the determination of financial eligibility for MANG of a client living in a residential home of or facility which is not licensed as a medical care facility or as a sheltered care facility. The cost of maintenance and/or care in such a facility is not an allowable medical expense. Regardless of the amount the client may be paying for care and/or maintenance in the facility, the client's nonexempt income and assets in excess of the MANG (AABD) Standard are considered available for payment for medical care not provided in the facility.

d) MANG

- 1) A recipient residing in a DMHDD facility is allowed \$30.00 per month in lieu of any other MANG standard.
- 2) As soon as MANG (AABD) clients become residents of a DMHDD facility, a Skilled Nursing Facility,

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Section 120.20 MANG(AABD) Income Standard (Cont'd)

- 3) When eligibility is based on being temporarily discharged from a DMHDD facility for the purpose of obtaining medical care in a general hospital, the amount which the recipient is obligated to pay the DMHDD for care and maintenance is to be allowed in addition to the \$30.00.
- 4) Clients in a group-care long term facility are allowed a deduction from their non-SSI income to meet the needs of their dependent community spouse, and/or children remaining in the home. dependent family members and dependent children under age 21 who do not reside with the community spouse. Family members include dependent children under age 21, dependent adult children, dependent parents or dependent siblings of either spouse; who reside with the spouse in the community. To calculate the amount of non-SSI income to be deducted, use the:

A) AABD cash grant standard if the deduction is for a spouse only, or Community Spouse Maintenance Needs Allowance (as described at Section 120.61) if the deduction is for a spouse in the community;

B) Family Maintenance Needs Allowance (as described in Section 120.61) if the deduction is for dependent family member(s) residing with the community spouse; and

BC) AFDC cash grant standard if the deduction is for a spouse and/or dependent children under age 21 who do not reside with the community spouse.

(Source: Amended at 14 Ill. Reg. 6372, effective April 16, 1990)

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SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.61

Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG (AABD) and MANG (C)

- a) The following rule applies to cases receiving care in Licensed Intermediate Care Facilities, Licensed Skilled Care Nursing Facilities, or Department of Mental Health and Developmental Disabilities (DMHDD) Facilities.

b) Treatment of Resources

- 1) A one-month eligibility period will be used. All nonexempt income and non-exempt assets over the applicable asset disregard (Section 120.382) shall be applied towards the cost of care on a monthly basis. Non-exempt income (see Section 120.360) and assets (see 120.381) are applied towards the cost of care beginning with the first full calendar month of anticipated stay in the facility. Non-exempt income shall be applied toward the cost of care first. If insufficient to meet the cost of care at the private pay rate, then non-exempt assets over the applicable asset disregard shall be used.

- 2) When a client transfers between non-DMHDD facilities or transfers to a DMHDD facility, non-exempt income and/or excess assets are applied first toward the cost of care at the first facility and any balance is applied toward the cost of care at the second facility. If the client transfers from a DMHDD facility to a non-DMHDD facility, non-exempt income and/or excess assets are not applied toward the cost of care at the non-DMHDD facility for the month the transfer occurs. If the client is discharged from a DMHDD facility or non-DMHDD facility to his/her residence in the community or to a community based residential setting (such as Community Living Facility, Special Home Placement, Supported Living Arrangement, Home Individual Program, Community Residential Alternatives as defined at 59 Ill. Adm. Code 120.10), the MANG Community Income Standard is used (see Section 120.20) beginning with the

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Section 120.61

Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG (AABD) and MANG (C)

month of discharge from the DMHDD facility or non-DMHDD.

- 3) If non-exempt income and non-exempt assets over the applicable asset disregard are greater than the Department's rate for cost of care, no payment will be made to the facility. However, the client may become eligible for Medical Assistance for other medical expenses by incurring medical expenses equal to the spend-down obligation. The private rate of the facility may be applied to the spend-down obligation in this instance. A full redetermination shall be made every twelve (12) months.

- c) Allow a deduction from the MANG client's income to meet the needs of a dependent spouse and/or children under age 21 who do not reside with the community spouse, who do not have enough income to meet their needs and whose assets do not exceed the asset limit. To determine needs and asset limits:

- 1) ~~for a spouse only, use the AABD-MAG-standard-and-asset-disregard (see Sections 120.20 and 120.382).~~

- 2) ~~1) for spouse and/or dependent children, use AFDC MAG standard and asset disregard (see Sections 120.30 and 120.382).~~

- 3) ~~2) allow any payments made on medical bills for the spouse and/or children.~~

- d) Allow deductions from the MANG clients non-SSI income for a Community Spouse Maintenance Needs Allowance and a Family Maintenance Needs Allowance for each dependent family member who does not have enough income to meet his/her needs. Family members include dependent children under age 21, dependent adult children, dependent parents or dependent siblings of either spouse who are living with the community spouse. To determine the amount of the deduction:

- 1) The deduction for the Community Spouse Maintenance

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Section 120.61

Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG (AABD) and-MANG(e) (Cont'd)

Needs Allowance is equal to the community spouse maintenance needs standard (\$1,565) less any non-exempt monthly income of the community spouse. The deduction is allowed only to the extent income of the institutionalized spouse is contributed to the community spouse. However, the deduction for the Community Spouse Maintenance Needs Allowance shall not be less than the amount ordered by the court for support of the community spouse or the amount determined as the result of the fair hearing.

- 2) The deduction for the Family Maintenance Needs Allowance for each dependent family member is equal to one-third of the difference between the family maintenance needs standard (122% of the Federal Poverty Level for two persons as of September 30, 1989, 133% as of July 1, 1991 and 150% as of July 1, 1992) and any non-exempt income of the family member.

(Source: Amended at 14 Ill. Reg. 6372, effective April 16, 1990)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section 120.285 Property Transfers

- a) The provisions for the transfer of property (i.e., assets) do not affect eligibility for applications filed on or after October 1, 1989, regardless of the date of the transfer or to applications filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989.

- b) The provisions listed below apply to applications filed prior to October 1, 1989, and only with respect to property (i.e., assets) transferred prior to October 1, 1989.

- a) 1) A transfer of assets occurs when an applicant or recipient buys sells or gives away real or

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 120.285 Property Transfers (Cont'd)

personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.

- b) 2) A transfer is allowable if:

- 1) A) the transfer occurred more than two years from the date of review;

- 2) B) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values.

- 3) C) the transfer was involuntary (e.g., tax sales, judgment sales, etc.);

- 4) D) the transfer was due to separation, divorce or other settlement (e.g., when the court orders a settlement of a client's assets or when the client and the client's spouse divide their assets in half without a court order);

- 5) E) the transfer was a change from an individual to joint bank account;

- 6) F) the transfer was of exempt assets;

- 7) G) the transfer was an equal division of marital assets.

- e) 3) If the transfer does not fall within the listing of subsection (b) above, the transfer will be reviewed to determine if the transfer was made to qualify for or increase the need for assistance. If the transfer was made to qualify for or increase the need for assistance, the client is ineligible until whichever occurs first:

- 1) A) the asset is returned; or

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NOTICE OF ADOPTED AMENDMENTS

Section 120.285 Property Transfers (Cont'd)

- 2† B) a fair market value is paid to the client; or
- 3† C) the period of time the asset would meet the client's needs has passed; or
- 4† D) two years has passed.
- 4† 4) If a client transfers an asset which is not allowable the client must verify that the transfer was not made to qualify for assistance (e.g., a bank repossesses the property. The client must provide a copy of the repossession paper(s) to the department).

5) Length of Ineligibility

- e† A) The client is ineligible for assistance for the number of months that the asset would have met his/her needs up to 2 years from the date of the transfer. (To determine the number of months the asset would have met the client's need, divide the amount of the asset by the AMI Standard plus incurred medical expenses.)

- 2† B) For applicants, the first month of ineligibility is the month of application.

- 3† C) For recipients, the first month of ineligibility is the month assistance was discontinued because of the transfer.

(Source: Amended at 14 Ill. Reg. 6372, effective April 16, 1990)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.379 Assessment of Assets

Provisions for the assessment of assets applies only to a resident of a long term care facility whose spouse resides in the community.

- a) An assessment is completed to determine the total combined amount of non-exempt assets of the resident and his/her community spouse:

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Section 120.379 Assessment of Assets (Cont'd)

- 1) when residence begins in a long term care facility; and
- 2) when requested by either spouse or a representative acting on behalf of either spouse, even if an application for assistance has not been filed.

- b) An assessment is not required if a resident of a long term care facility:

- 1) is discharged for a period of less than 30 days and then reenters the facility; or
- 2) enters a hospital and then returns to the facility from the hospital.

(Source: Added at 14 Ill. Reg. 6372, effective April 16, 1990)

Section 120.385 Property Transfers for Applications Filed Prior to October 1, 1989

The provisions listed below apply to applications for Medicaid filed prior to October 1, 1989, and only with respect to property (i.e., assets) transferred prior to October 1, 1989.

- a) A transfer of assets occurs when an applicant or recipient buys sells or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.

- b) A transfer is allowable if:

- 1) the transfer occurred more than two years from the date of review;
- 2) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values.

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Section 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Cont'd)

- 3) the transfer was involuntary (e.g., tax sales, judgment sales, etc.);
 - 4) the transfer was due to separation, divorce or other settlement (e.g., when the court orders a settlement of a client's assets or when the client and the client's spouse divide their assets in half without a court order);
 - 5) the transfer was a change from an individual to joint bank account;
 - 6) the transfer was of exempt assets;
 - 7) the transfer was an equal division of marital assets.
- c) If the transfer does not fall within the listing of subsection (b) above, the transfer will be reviewed to determine if the transfer was made to qualify for or increase the need for assistance. If the transfer was made to qualify for or increase the need for assistance, the client is ineligible until whichever occurs first:
- 1) the asset is returned; or
 - 2) a fair market value is paid to the client; or
 - 3) the period of time the asset would meet the client's needs has passed; or
 - 4) two years has passed.

d) If a client transfers an asset which is not allowable the client must verify that the transfer was not made to qualify for assistance (e.g., a bank repossesses the property. The client must provide a copy of the repossession paper(s) to the Department).

e) The client is ineligible for assistance for the number of months that the asset would have met his/her needs up to 2 two (2) years from the date of the transfer. (To determine the number of

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Section 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Cont'd)

months the asset would have met the client's need, divide the amount of the asset by the MANG Standard plus incurred medical expenses.)

- 21) For applicants, the first month of ineligibility is the month of application.
- 32) For recipients, the first month of ineligibility is the month assistance was discontinued because of the transfer.

(Source: Amended at 14 Ill. Reg. 6372, effective April 16, 1990)

Section 120.386

Property Transfers Effective for Applications Filed on or After October 1, 1989

The provisions for the transfer of property (i.e., assets) listed below apply to residents of long term care facilities who apply for Medicaid on or after October 1, 1989, regardless of the date of the transfer and to residents whose application for Medicaid is filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989. These provisions do not apply to individuals who reside in the community.

a) A transfer of assets occurs when a resident of a long term care facility buys, sells or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.

b) A transfer is allowable if:

1) the transfer occurred more than thirty (30) months from the date of application;

2) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values.

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NOTICE OF ADOPTED AMENDMENTS

Section 120.386 Property Transfers Effective for
Applications Filed on or After October 1,
1989 (Cont'd)

3) homestead property was transferred:

- A) a spouse;
- B) the individual's child who is under age 21;
- C) the individual's child who is blind or permanently and totally disabled;
- D) the individual's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one (1) year immediately prior to the date the individual entered the facility or;
- E) the individual's child who provided care for the individual and who was residing in the homestead property for two (2) years immediately prior to the date the individual entered the facility.

4)

The transfer was to the community spouse or to another individual for the sole benefit of the community spouse and the amount transferred does not exceed the Community Spouse Asset Allowance. The Community Spouse Asset Allowance is an amount up to but not greater than \$62,580 that the resident may transfer, without affecting eligibility, to the community spouse or to another individual for the sole benefit of the community spouse. The amount of assets a resident may transfer to his or her community spouse is \$62,580 minus any non-exempt assets of the community spouse. The Community Spouse Asset Allowance is subject to the following qualifiers:

- A) The amount of assets sufficient to provide (the amount of income generated) the Community Spouse Maintenance Needs Allowance (as described at 89 Ill. Adm. Code 120.61) as determined by a fair hearing; or
- B) The amount transferred under a court order to the community spouse.

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Section 120.386 Property Transfers Effective for
Applications Filed on or After October 1,
1989 (Cont'd)

- 5) The transfer was to the individual's child who is blind or permanently and totally disabled or to another person for the sole benefit of the individual's child;
 - 6) the individual intended to transfer the assets for fair market value;
 - 7) it is determined that denial of assistance would create an undue hardship;
 - 8) it is determined that the transfer was made for a reason other than to qualify for assistance; or
 - 9) the transfer was to the community spouse and was the result of a court order.
- c) If the transfer does not fall within the listing of subsection (b) above, the client is ineligible beginning with the month in which such assets were transferred and until whichever occurs first:
- 1) the period of time the uncompensated amount of the asset would meet the monthly cost of long term care (private rate) at the facility; or
 - 2) thirty (30) months from the month of the transfer.

(Source: Added at 14 Ill. Reg. 6372, effective April 16, 1990)

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NOTICE OF ADOPTED AMENDMENT

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: SUPPORT RESPONSIBILITY OF RELATIVES

- 2) Code Citation: 89 Ill. Adm. Code 103

- 3) Section Number: Adopted Action:

103.10 Amendment

- 4) Statutory Authority: Sections 10-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 10-2 and 12-13)

- 5) Effective Date of Adopted Amendment: April 16, 1990

- 6) Does this rulemaking contain an automatic repeal date?

Yes ☐ No ☒

- 7) Does this Adopted Amendment contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: April 16, 1990

- 9) Notice of Proposal Published in Illinois Register: December 8, 1989 (13 Ill. Reg. 19180)

- 10) Has JCAR issued a Statement of Objections to this Adopted Amendment? No

- 11) Difference(s) between proposal and final version: No substantive changes were made to the text of this Adopted Amendment.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this Adopted Amendment replace an Emergency Amendment currently in effect? No

- 14) Are there any Amendments pending on this Part? No

- 15) Summary and Purpose of Adopted Amendment: Rulemaking appearing in the Illinois Register today under 89 Ill. Adm. Code 103, 112, 113, 114 and 120 implement what have been characterized as the Spousal Impoverishment Sections of the Medicare Catastrophic Coverage Act of 1988.

As a result of the Medicare Catastrophic Coverage Act, Department policy is revised for determining eligibility for residents of long term care facilities when the spouse is living in the community. In addition, Department policy is revised regarding the transfer of assets, whether or not there is a spouse residing in the community.

Prior to the Medicare Catastrophic Coverage Act, the transfer of homestead property did not affect eligibility. Effective with applications filed on or after October 1, 1989, under certain circumstances, the transfer of homestead property may affect eligibility. Also effective for applications filed on or after October 1, 1989, the transfer of any property will not create ineligibility unless the applicant is a resident of a long term care facility.

This rulemaking is directed towards making more income and assets available to community spouses; thereby providing for their maintenance in the community without becoming financially impoverished.

Finally, based on comments received during the First Notice period, our experience from October 1989, to January 1990, and a revision of our previous cost estimates, the Department has decided to adopt the maximum income and asset levels (adjusted by the recent increase to the Consumer Price Index) permitted by federal law for this program.

- 16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Office of the General Counsel
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

the couple do not exceed the Community Spouse Emergency Allowance (as described at 89 Ill. Adm. Code 120.386).

b) The following persons are "responsible relatives" who are legally responsible for the financial support and maintenance of recipients:

- 1) Spouse for spouse.
- 2) Parents for children under 18 years of age.
- 3) Parents of children age 18 through 20 if living with the parents.

c) Responsible relatives who are receiving public assistance and/or Supplemental Security Income (SSI) benefits shall be considered unable to support.

(Source: Amended at 14 Ill. Reg. 6395, effective April 16, 1990)

Section 103.10 Support From Responsible Relatives

a) The Department shall seek to obtain support for recipients from legally responsible individuals and shall seek the enforcement of support obligations with the following exception:

the Department shall not seek to obtain support for residents of long term care facilities if income of the spouse in the community is less than the Community Spouse Maintenance Needs Standard (as described at 89 Ill. Adm. Code 120.61) and total combined non-exempt assets of

10-1 et seq.).

SOURCE: Filed and effective December 30, 1977; amended at 3 Ill. Reg. 41, p. 171, effective October 1, 1979; amended at 6 Ill. Reg. 7441, effective June 16, 1982; codified at 7 Ill. Reg. 6493; amended at 10 Ill. Reg. 21898, effective December 12, 1986; amended at 11 Ill. Reg. 6493, effective March 27, 1987; amended at 12 Ill. Reg. 14681, effective August 31, 1988; amended at 13 Ill. Reg. 2496, effective February 14, 1989; amended at 13 Ill. Reg. 3954, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 16180, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 6395, effective April 16, 1990.

Section 103.10 Support From Responsible Relatives

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10-1 et seq.).

SOURCE: Filed and effective December 30, 1977; amended at 3 Ill. Reg. 41, p. 171, effective October 1, 1979; amended at 6 Ill. Reg. 7441, effective June 16, 1982; codified at 7 Ill. Reg. 6493; amended at 10 Ill. Reg. 21898, effective December 12, 1986; amended at 11 Ill. Reg. 6493, effective March 27, 1987; amended at 12 Ill. Reg. 14681, effective August 31, 1988; amended at 13 Ill. Reg. 2496, effective February 14, 1989; amended at 13 Ill. Reg. 3954, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 16180, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 6395, effective April 16, 1990.

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10-1 et seq.).

SOURCE: Filed and effective December 30, 1977; amended at 3 Ill. Reg. 41, p. 171, effective October 1, 1979; amended at 6 Ill. Reg. 7441, effective June 16, 1982; codified at 7 Ill. Reg. 6493; amended at 10 Ill. Reg. 21898, effective December 12, 1986; amended at 11 Ill. Reg. 6493, effective March 27, 1987; amended at 12 Ill. Reg. 14681, effective August 31, 1988; amended at 13 Ill. Reg. 2496, effective February 14, 1989; amended at 13 Ill. Reg. 3954, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 16180, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 6395, effective April 16, 1990.

Section 103.10 Support From Responsible Relatives

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the Department shall not seek to obtain support for residents of long term care facilities if income of the spouse in the community is less than the Community Spouse Maintenance Needs Standard (as described at 89 Ill. Adm. Code 120.61) and total combined non-exempt assets of

10-1 et seq.).

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pull Tabs and Jar Games Act
- 2) Code Citation: 86 Ill. Adm. Code 432
- 3) Section Numbers: Adopted Action:
432.110 Amendment
432.120 Amendment
432.160 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, pars. 1501 et seq.
- 5) Effective Date of Amendment(s): April 16, 1990
- 6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 16, 1990
- 9) Notice of Proposal Published in Illinois Register:
December 15, 1989, 13 Ill. Reg. 19371
(issue date)
- 10) Has JCAR issued a Statement of Objections to these Rules?: No
- 11) Differences between proposal and final version: There were no changes between proposal and final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): Implements P.A. 86-289 which permits employees of a licensee to sell pull tabs and P.A. 86-703 which provides for staggered expiration dates for regular licenses and for two events per year (now one).
- 16) Information and questions regarding this adopted amendment shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Amendment begins on the next page:

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 432
PULL TABS AND JAR GAMES ACT

Section	
432.100	Definitions
432.110	Regular Licenses
432.120	Limited Licenses
432.130	Manufacturer's Licenses
432.140	Supplier's Licenses
432.150	Ineligibility for License
432.160	Restrictions and Limitations on the Sale of Pull Tabs
432.170	Imposition of Tax; Returns
432.180	Records; Audits
432.190	Denial, Suspension, or Revocation of Licenses; Criminal Sanctions
432.200	State - Local Relations

AUTHORITY: Implementing and authorized by the Illinois Pull Tabs and Jar Games Act (Ill. Rev. Stat. 1987, ch. 120, pars. 1051 et seq.)

SOURCE: Emergency Rules adopted at 12 Ill. Reg. 11297, effective June 30, 1988, for a maximum of 150 days, emergency expired November 27, 1988; adopted at 13 Ill. Reg. 191, effective January 1, 1989; amended at 14 Ill. Reg. 6399, effective April 16, 1990.

NOTE: Capitalization denotes statutory language.

Section 432.110 Regular Licenses

- a) Eligibility. To be eligible for a regular license an organization must have been organized in Illinois. It must have been in existence continuously during the entire five year period preceding application, and during that period must have had a bona fide membership engaged in carrying out its stated objectives on a regular basis. THE FIVE YEAR REQUIREMENT SHALL BE REDUCED TO TWO YEARS, AS APPLIED TO A LOCAL ORGANIZATION WHICH IS AFFILIATED WITH AND CHARTERED BY A NATIONAL ORGANIZATION WHICH MEETS THE FIVE YEAR REQUIREMENT (Section 2 of the Act). To be "chartered" by a national organization, an Illinois organization must have a document issued by the national organization formally authorizing the establishment of the Illinois organization. The organization must operate without profit to its members, and must fall within one of the following categories:

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- 1) CHARITABLE ORGANIZATION: AN ORGANIZATION ORGANIZED AND OPERATED TO BENEFIT AN INDEFINITE NUMBER OF THE PUBLIC (Section 1.1 of the Act);
- 2) EDUCATIONAL ORGANIZATION: AN ORGANIZATION ORGANIZED AND OPERATED TO PROVIDE SYSTEMATIC INSTRUCTION IN USEFUL BRANCHES OF LEARNING BY METHODS COMMON TO SCHOOLS AND INSTITUTIONS OF LEARNING WHICH COMPARE FAVORABLY IN THEIR SCOPE AND INTENSITY WITH THE COURSE OF STUDY PRESENTED IN TAX-SUPPORTED SCHOOLS (Section 1.1 of the Act). Public schools and school districts are not eligible for regular licenses. Organizations affiliated with public schools, such as booster clubs, may be eligible if they fall within any of the other categories listed in this Section;
- 3) RELIGIOUS ORGANIZATION: ANY CHURCH, CONGREGATION, SOCIETY OR ORGANIZATION FOUNDED FOR THE PURPOSE OF RELIGIOUS WORSHIP (Section 1.1 of the Act);
- 4) FRATERNAL ORGANIZATION: AN ORGANIZATION OF PERSONS, INCLUDING BUT NOT LIMITED TO ETHNIC ORGANIZATIONS, HAVING A COMMON INTEREST, ORGANIZED AND OPERATED EXCLUSIVELY TO PROMOTE THE WELFARE OF ITS MEMBERS AND TO BENEFIT THE GENERAL PUBLIC ON A CONTINUING AND CONSISTENT BASIS (Section 1.1 of the Act);
- 5) VETERANS' ORGANIZATION: AN ORGANIZATION COMPRISED OF MEMBERS OF WHICH SUBSTANTIALLY ALL ARE INDIVIDUALS WHO ARE VETERANS OR SPOUSES, WIDOWS, OR WIDOWERS OF VETERANS, THE PRIMARY PURPOSE OF WHICH IS TO PROMOTE THE WELFARE OF ITS MEMBERS AND TO PROVIDE ASSISTANCE TO THE GENERAL PUBLIC IN SUCH A WAY AS TO CONFER A PUBLIC BENEFIT (Section 1.1 of the Act);
- 6) LABOR ORGANIZATION: AN ORGANIZATION COMPOSED OF LABOR UNIONS OR WORKERS ORGANIZED WITH THE OBJECTIVE OF BETTERMENT OF THE CONDITIONS OF THOSE ENGAGED IN SUCH PURSUIT AND THE DEVELOPMENT OF A HIGHER DEGREE OF EFFICIENCY IN THEIR RESPECTIVE OCCUPATIONS (Section 1.1 of the Act);
- 7) YOUTH ATHLETIC ORGANIZATION: AN ORGANIZATION HAVING AS ITS EXCLUSIVE PURPOSE THE PROMOTION AND PROVISION OF ATHLETIC ACTIVITIES FOR YOUTH AGED 18 AND UNDER (Section 1.1 of the Act). Marching bands and drum and bugle corps are considered to promote and provide athletic activities. A youth athletic organization otherwise eligible for a regular license does not lose its eligibility because youths served by the organization become nineteen while participating in an athletic activity with a season of definite duration;

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- 8) SENIOR CITIZENS ORGANIZATION: AN ORGANIZATION OR ASSOCIATION COMPRISED OF MEMBERS OF WHICH SUBSTANTIALLY ALL ARE INDIVIDUALS WHO ARE 55 YEARS OF AGE OR OLDER, OR WHO ARE NEARING THE AGE OF 55 AND FOR WHOM OPPORTUNITIES FOR EMPLOYMENT AND PARTICIPATION IN COMMUNITY LIFE ARE UNAVAILABLE OR SEVERELY LIMITED AND WHO, AS A RESULT THEREOF, HAVE DIFFICULTY IN MAINTAINING SELF-SUFFICIENCY AND CONTRIBUTING TO THE LIFE OF THE COMMUNITY. THE PRIMARY PURPOSE OF THE ORGANIZATION MUST BE THE PROMOTION OF THE WELFARE OF ITS MEMBERS (Section 1.1 of the Act; Section 3.05 of the Illinois Act on the Aging, (Ill. Rev. Stat. 1987, ch. 23, par. 6103.05)).

- b) Applications. Application for a regular license must be made on the form prescribed by the Department, and must be accompanied by a license fee of \$500 in the form of a check or money order payable to the Illinois Department of Revenue, and by the following documents and information:

- 1) Documentary evidence sufficient to show that the organization meets the eligibility requirements of subsection (a) above. Such documentation should include, when applicable, a copy of the organization's bylaws, constitution, charter, minutes of past meetings, promotional materials, and Articles of Incorporation;
- 2) The names of the members of the organization who will participate in the sale of pull tabs. The presiding officer of the organization must certify that the persons listed are eligible to sell pull tabs, and have been members of the organization for at least 30 days before participating in the organization's sale of pull tabs;
- 3) A copy of the letter or any other document issued to the organization by the Attorney General showing that the organization is in compliance with the registration requirements of "AN ACT to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefor" (Ill. Rev. Stat. 1987, ch. 23, par. 5101 et seq.);
- 4) For license renewal applications, a report, on a form provided by the Department, accounting for the disposition of the gross proceeds derived from the sale of pull tabs during the period covered by the report (see Section 432.180);
- 5) Any other information requested by the Department which is necessary to establish the eligibility of the organization for a regular license.

- 6) If, during a license year, any of the information provided to the Department by the licensee changes, the licensee must notify the Department within 20 days, in writing, of any such changes.
- 7) The application form shall include the following information:
 - A) Name of organization
 - B) Address
 - C) Mailing Address
 - D) Name and address of person responsible for filing tax returns
 - E) Type of organization
 - F) Address(es) of place where pull tabs are to be sold
 - G) Does applicant own or lease premises?
 - H) In what municipality will the applicant be making the most pull tab sales in terms of gross receipts? If you are outside any municipality, in what county?
 - I) Tax registration or license number (if registered with the Illinois Department of Revenue under any Illinois tax act)
 - J) Number of members in good standing
 - K) How long has organization had a bona-fide membership engaged in carrying out its ~~object~~ objectives?
 - L) Place and date of incorporation of organization
 - M) If not a corporation, state how and when organized
 - N) Estimated amount of pull tabs and jar games tax per calendar quarter
 - O) Are you registered with the Attorney General's Office pursuant to the Illinois Solicitation Act?
 - P) For president of organization: name, address, home and business phone numbers, social security number, date of birth and race

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- Q) For secretary of organization: name, address, home and business phone numbers, social security number, date of birth and race
- R) For person in charge of and primarily responsible for selling of the pull tabs: name, address, home and business phone numbers, social security number, date of birth and race
- S) Are criteria for membership in the organization included with the application?
- T) Is documentary evidence verifying the claimed status of the applicant as a bona-fide non-profit religious, charitable, labor, fraternal, educational, veteran's, youth athletic, or senior citizen's organization included with the application?
- U) Is the documentary evidence verifying that the location(s) where you will be selling pull tabs is owned or occupied by your organization and used for your general activities or is the location where you conduct bingo included with the application?
- V) Is a description of the activities and programs which qualify for support from pull tabs proceeds included with the application?
- W) Is a list of your organization's members who will be selling pull tabs included with the application?
- X) Is a completed Form PT-12, Expenditures of Funds Earned Through Pull Tabs and Jar Games, for the past license year included with the application?
- Y) Signatures of officers and person primarily responsible for the sale of the pull tabs
- c) Licenses. Within 30 days after the receipt of a completed application, the Department will approve or deny the application. If the Department determines that an organization meets all of the eligibility requirements of this Section, and is not ineligible for any of the reasons stated in Section 432.150, the Department will issue a regular license to the organization. A regular license authorizes the licensee to sell pull tabs only at the locations stated on the license. Such locations must be owned or occupied by the regular licensee and used by its members for general activities, or must be used by the regular licensee for conducting bingo (see

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Section 432.160(b)).

- 1) NO organization may begin to sell pull tabs without having a valid license in its possession.
- 2) Except as provided below, regular licenses expire at midnight on the June 30 following the date the license is issued. The Department cannot prorate the \$500 license fee when a license is issued for less than a full year.
- 3) It is the Department's policy to mail a renewal application to each regular licensee at least 30 days prior to the expiration of the license. However, failure to receive a renewal application does not excuse an organization of its obligation to submit a renewal application prior to the expiration of its current license. If the Department receives a renewal application not more than seven days after the expiration of a license, the organization may continue to sell pull tabs until the Department takes action on the renewal application. If the Department receives a renewal application more than seven days after the expiration of a license, the organization must immediately discontinue the sale of pull tabs until it receives a renewed license from the Department.
- 4) Beginning with applicants whose licenses expire on June 30, 1990, and for which renewal applications are submitted, the following license expiration dates and fees shall apply:
- A) Licenses P1 through P200 will expire December 31, 1990.
The license fee is \$250;
- B) Licenses P201 through P400 will expire March 31, 1991.
The license fee is \$375;
- C) Licenses P401 through P600 will expire June 30, 1991. The license fee is \$500; and
- D) Licenses P601 and higher will expire September 30, 1991.
The license fee is \$625.
- FOLLOWING EXPIRATION UNDER THIS SCHEDULE, EACH RENEWED LICENSE SHALL BE IN EFFECT FOR ONE YEAR FROM ITS DATE OF ISSUANCE UNLESS SUSPENDED OR REVOKED BY DEPARTMENT ACTION BEFORE THAT DATE. AFTER JUNE 30, 1990, EVERY NEW LICENSE SHALL EXPIRE ONE YEAR FROM THE DATE OF ISSUANCE UNLESS SUSPENDED OR REVOKED. (Section 2 of the Act).
- d) Special permits. Once during each license year a regular licensee

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may obtain a special permit to sell pull tabs at a different, additional, location for a period of up to ten consecutive days. To apply for a special permit a regular licensee must submit a written request to the Illinois Department of Revenue, Bingo and Charitable Games Unit, P.O. Box 19019, Springfield, Illinois 62794-9019. The request must be received at least fourteen days before the first day of the scheduled pull tab event, and must include a statement of the specific dates and exact location for which the permit is requested, and the name and address of the person or organization which owns or controls the site at which pull tabs will be sold.

(Source: Amended at 14 Ill. Reg. 6399, effective April 16, 1990.)

Section 432.120 Limited Licenses

- a) Eligibility. Any organization which would be eligible for a regular license but which does not hold one is eligible for a special permit to sell pull tabs. A special permit issued pursuant to this Section shall be known as a "limited license", solely for the purpose of differentiating these special permits from special permits issued pursuant to Section 432.110(d).
- b) Applications. Application for a limited license must be made on the form prescribed by the Department, and must be accompanied by a license fee of \$50 in the form of a check or money order payable to the Illinois Department of Revenue. Applications must be accompanied by the same documents and information which are required to accompany applications for regular licenses (see Section 432.110(b)).
- c) Licenses. Within 30 days after the receipt of a completed application, the Department will approve or deny the application. If the Department determines that an organization meets all of the eligibility requirements of this Section, and is not ineligible for any of the reasons stated in Section 432.150, the Department will issue a limited license to the organization.
 - 1) A limited license authorizes the licensee to sell pull tabs ~~for a specified period of up to ten consecutive days at a single location at no more than 2 indoor or outdoor festivals in a year for a maximum of 5 days on each occasion. Only one NO more than 2 limited license licenses may be issued to any organization during each one-year period from July 1 to June 30 in any year.~~
 - 2) If the Department receives a completed application less than 30 days before the first date on which the applicant wants to sell pull tabs, the Department will make every reasonable effort to

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act on the application prior to that date. However, no organization may begin to sell pull tabs without having a valid limited license in its possession.

- d) All provisions of this Part governing the sale of pull tabs by regular licensees also apply to limited licensees.

(Source: Amended at 14 Ill. Reg. 6399, effective April 16, 1990.)

Section 432.160 Restrictions and Limitations on the Sale of Pull Tabs

- a) Licenses. No person or organization may sell pull tabs or advertise pull tabs for sale in Illinois without having a valid license to do so.
 - 1) Licensed manufacturers may sell pull tabs only to licensed suppliers, licensed suppliers may sell pull tabs only to regular and limited licensees, and regular and limited licensees may sell pull tabs only to the public. A manufacturer or supplier may rely on its customers' representations that they are properly licensed (under the license numbers provided by the customers) unless the manufacturer or supplier has received notification from the Department that a particular person or organization does not have a valid license.
 - 2) Regular and limited licensees may obtain pull tabs only from licensed suppliers. It is the responsibility of regular and limited licensees to ensure that all pull tabs which they obtain are marked with the name of the supplier on each pull tab. Regular and limited licensees are requested to notify the Department whenever they receive any printed material advertising the availability of pull tabs if no supplier's license number appears on the material. A supplier's license number will be in the form of the letters "PS" followed by a hyphen and one or more numerals. The notification to the Department, which may consist entirely of a copy of the printed material, should be addressed to the Illinois Department of Revenue, Bingo and Charitable Games Unit, P.O. Box 19019, Springfield, Illinois 62794-9019.
- b) Locations. A regular or limited licensee may sell pull tabs only at the locations stated on its license. Pull tabs may be sold only at the following locations:
 - 1) ON PREMISES OWNED OR OCCUPIED BY A LICENSED ORGANIZATION AND USED BY ITS MEMBERS FOR GENERAL ACTIVITIES (Section 4(6) of the Act). "Premises" means a distinct parcel of land and the buildings thereon. Premises are "occupied" by an organization

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when the organization is using the premises for its general activities in accordance with a contractual right to possess the premises on a regular basis;

- 2) ON PREMISES OWNED OR RENTED FOR CONDUCTING BINGO (Section 4(6) of the Act). If a licensee rents premises for the purpose of conducting bingo, and does not regularly conduct other activities at other times on such premises, then pull tabs may be sold on such premises only during the licensee's bingo session, which is defined as "the time during which bingo is conducted, including the time during which bingo cards are sold" (86 Ill. Adm. Code §430.100);
- 3) For regular licensees only, at other premises specified in a special permit obtained pursuant to Section 432.110(d).
- 4) A license issued by the Department does not grant an unfettered right to sell pull tabs at a specified location. If premises are owned or controlled by a person or organization other than the licensee, that person or organization may prohibit the licensee from selling pull tabs on the premises. EXAMPLE: The American Legion Post conducts bingo at the Moose Lodge. Although the Post may legally obtain a license to sell pull tabs at the Lodge, the Lodge is not required to allow the Post to sell pull tabs on the Lodge's premises - this would be a matter to be determined by and between the Post and the Lodge.
- 5) A regular or limited license or a special permit shall be prominently displayed in the area where pull tabs are sold. If pull tabs are sold in more than one area on the licensed premises, the license shall be prominently displayed in the area where the greatest volume of sales normally occurs. If pull tabs are sold at multiple premises, the license shall be prominently displayed at the premises where the greatest volume of sales normally occurs, and a sign stating where the license is located shall be prominently displayed on all other premises. "Prominently displayed" means that a license or sign is clearly visible and legible to the naked eye. Under no circumstances may any licensee duplicate or reproduce any license issued under the Act.
- c) NO PERSON UNDER THE AGE OF 18 YEARS SHALL PLAY OR PARTICIPATE IN THE SALE OF PULL TABS. A PERSON UNDER THE AGE OF 18 YEARS MAY BE WITHIN THE AREA WHERE PULL TABS ARE SOLD ONLY WHEN ACCOMPANIED BY HIS OR HER PARENT OR GUARDIAN (Section 4(5) of the Act).
- d) Only a bona fide member or employee of the regular or limited licensee may participate in the sale of pull tabs. A "bona fide"

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member is one who has been a member of the licensee for at least 30 days prior to participating in the sale of pull tabs. A "bona fide" employee is one whose principal duties are other than managing or operating pull tabs or jar games. No person may receive any remuneration or compensation for participating in the sale of pull tabs. ~~An employee who is also a member of a licensee may sell pull tabs, provided that he or she is not required to sell pull tabs as a condition of his or her employment.~~

- e) Regular and limited licensees must sell pull tabs for the price printed on the tickets, but in no case may pull tabs be sold for more than one dollar each. Pull tabs must be sold for cash - no credit may be extended to purchasers.
- f) No single pull tab prize may exceed \$250 in cash or merchandise (valued at retail). THE AGGREGATE VALUE OF ALL PRIZES OR MERCHANDISE AWARDED IN ANY SINGLE DAY SHALL NOT EXCEED \$2,250, EXCEPT THAT IN MADISON, MONROE, AND ST. CLAIR COUNTIES THE VALUE OF ALL PRIZES AWARDED MAY NOT EXCEED \$3,250 IN A SINGLE DAY (Section 4(4) of the Act). All winning pull tabs which are redeemed for prizes each day shall be retained by the licensee for a period of 60 days, and shall be segregated from winning pull tabs which are redeemed on other days. Winning pull tabs should be defaced so that they may not be used or redeemed a second time, but defacement must leave the prize amount printed on the ticket legible.
- g) All advertising of pull tabs for sale in Illinois by any licensee under this Act must include the license number and name of the licensee.
- h) THE ENTIRE NET PROCEEDS FROM THE SALE OF PULL TABS MUST BE EXCLUSIVELY DEVOTED TO THE LAWFUL PURPOSES OF THE LICENSEE (Section 4(1) of the Act). The net proceeds (gross proceeds less cash returned to winners) must not be commingled with any other funds belonging to the licensee (except interest paid on the deposited proceeds), and must be deposited into the pull tabs checking account established pursuant to Section 432.180(a).
- i) NO REGULAR OR LIMITED LICENSEE, WHILE PULL TABS ARE BEING SOLD, SHALL KNOWINGLY PERMIT ENTRY TO ANY PART OF THE LICENSED PREMISES TO ANY PERSON WHO HAS BEEN CONVICTED OF A FELONY OR A VIOLATION OF ARTICLE 28 (GAMBLING) OF THE CRIMINAL CODE OF 1961 (Section 6 of the Act).

(Source: Amended at 14 Ill. Reg. 6399, effective April 16, 1990.)

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1) The Heading of the Part: Pupil Transportation2) Code Citation: 23 Ill. Adm. Code 2753) Section Numbers: 275.30
Emergency Action: Amendment4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.1, as amended by P.A. 86-508, effective January 1, 1990.5) Effective Date of Amendment: April 17, 19906) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable.7) Date Filed in Agency's Principal Office: April 16, 19908) Reason for Emergency: These rules affect approximately 26,000 Illinois school bus drivers, who are required to undergo annual medical examinations. The law requires that the State Board adopt rules governing the conduct of such examinations. P.A. 86-508 took effect January 1, 1990, and the need for issuing bus driver permits to the affected individuals is continuous. Due to the need for firm legal guidance for the physicians performing the subject examinations, and because schools must be assured of the qualifications of the drivers who transport students, the State Board finds that emergency rulemaking is necessary to address this situation, which significantly affects public safety.9) A Complete Description of the Subjects and Issues Involved:

This amendment was made necessary by enactment of P.A. 86-508, which relates to the requirement that each applicant for a school bus driver permit undergo an annual medical examination. The Act added drug and alcohol testing to the required elements of the examination. The present amendment to the rules for Pupil Transportation contains new provisions to implement the Act and sets forth the standards and procedures by which applicants may comply with the new requirements.

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10) Are there any proposed amendments to this Part pending? No11) Statement of Statewide Policy Objectives:

The policy objective is to add to the existing rules the new requirements for drug and alcohol testing set forth in P.A. 86-508.

12) Information and questions regarding this amendment shall be directed to:

Name: Ted Randall
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-5256

The full text of the emergency amendment begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE A: EDUCATION
 CHAPTER I: STATE BOARD OF EDUCATION
 SUBCHAPTER h: TRANSPORTATION

PART 275
 PUPIL TRANSPORTATION

Section	Definition of a School Bus
275.10	Routing
275.20	Health-Certificate-Requirements Annual Medical Examination and Certificate
275.30	Permit Application Process
275.40	Hearings
275.50	Vehicles Designed to Carry Nine Passengers or Less
275.60	Excluding the Driver
275.70	Issuance of Permit
275.80	Training
275.90	Bus Safety Training for Students
275.100	Responsibility of Local School Boards
275.110	Operating a School Bus
275.120	Special Education

AUTHORITY: Implementing Section 27-26 and Article 29 of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 27-26 and 29-1 et seq.), Section 1-182 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-182), Sections 6-104(b) and (d) and 6-106.1 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-104(b) and (d) and 6-106.1, as amended by P.A. 86-508, effective January 1, 1990), and Sections 11-406, 11-1202, and 11-1414 of the Illinois Rules of the Road (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 11-406, 11-1212, and 11-1414) and authorized by Section 2-3.6 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 2-3.6) and Section 12-812(b) of the Illinois Vehicle Equipment Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 18-812(b)).

SOURCE: Illinois School Bus Transportation Rules and Regulations, amended April 18, 1974; rules repealed, new rules adopted at 2 Ill. Reg. 37, p. 201, effective September 25, 1978; codified at 7 Ill. Reg. 16507; amended at 13 Ill. Reg. 271, effective January 23, 1989; emergency amendment at 14 Ill. Reg. 6411, effective April 17, 1990, for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

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Section 275.30 Health-Certificate-Requirements Annual Medical Examination and Certificate

- a) An individual desiring employment as an Illinois school bus driver must complete in an approvable form the Annual Health Certificate for Illinois School Bus Drivers obtained from the regional superintendent of schools.
- b) The Annual Health Certificate is to be completed by the applicant and a licensed physician as provided by law within 90 days prior to the date of application to become a school bus driver in Illinois. The completed health form is to be presented to the regional superintendent at the time application is filed in the regional superintendent's office in whose region services will be performed.
- c) The applicant must:
- 1) Have normal use of both hands and both feet.
 - 2) Possess at least 20/40 vision uncorrected or corrected in each eye and have a minimum horizontal field of vision of 70° in each eye.
 - 3) Be able to distinguish traffic signal colors of red, green and amber as determined by the Pseudo Isochromatic Chart.
 - 4) Be able to hear a forced whisper at five feet in each ear without a hearing aid.
 - 5) Not have an established history or clinical diagnosis of diabetes mellitus currently requiring any hypoglycemic agent for control which is likely to interfere with the ability to control and drive a school bus safely.
 - 6) Not have a clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

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accompanied-by-syncope-dyspnea-collapse-or congestive-cardiac-failure.

7) Not-have-an-established-medical-history-or clinical-diagnosis-of-hypertension-or-respiratory dysfunction-likely-to-interfere-with-the-ability to-control-and-drive-a-school-bus-safely.

8) Not-have-an-established-medical-history-or clinical-diagnosis-of-rheumatic-arthritis, orthopedic-muscular-neuromuscular-or-vascular disease-likely-to-interfere-with-the-ability-to control-and-drive-a-school-bus-safely.

9) Not-have-a-medical-history-or-clinical-diagnosis of-epilepsy-or-any-other-condition-which-is-likely to-cause-loss-of-consciousness.

10) Not-have-a-mental-nervous-organic-or-functional disease-or-psychiatric-disorder-likely-to interfere-with-the-ability-to-control-and-drive-a school-bus-safely.

11) Not-use-an-amphetamine-narcotic-or-any-habit-forming-or-mind-altering-drug-or-substance-or-any prescribed-drug-that-may-interfere-with-the ability-to-operate-a-school-bus-safely.

12) Not-have-a-current-clinical-problem-with-alcohol.

13) Be-free-from-tuberculosis-in-a-communicable-form as-determined-by-a-tuberculin-test-and/or-chest-x-ray.

d) Unless-otherwise-required-by-a-local-school-board-a school-bus-driver-applicant-is-required-only-upon initial-application-to-obtain-a-physician's certification-that-the-applicant-is-free-of tuberculosis-in-a-communicable-form.

e) Certification-of-the-annual-health-form-is-required-by the-signature-of-the-examining-physician.

a) All applicants for a school bus driver permit must demonstrate physical fitness to operate school buses by undergoing a medical examination, including tests for drug and alcohol use, conducted by a licensed physician within ninety (90) days of the date of application for such permit.

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b) An applicant who within 90 days of the date of application has undergone a medical examination complying with Subpart E of 49 CFR 391 (1988) (no later amendments are incorporated herein) and/or drug tests complying with 49 CFR 40 (effective December 1, 1989; no later amendments are incorporated herein) shall be exempt from the corresponding requirements of this Section, provided that the applicant submits to the regional superintendent a copy of the federal "medical examiner's certificate" (49 CFR 391.41(d)) and/or a copy of the "drug testing custody and control form" (49 CFR 40.23(a)) signed by the responsible physician.

c) Except as provided in subsection (b), the medical examination for all applicants shall be performed in accordance with the provisions of this Section and 49 CFR 391.43(d). A form conforming to these requirements, as well as the medical examiner's certificate described in subsection (i), can be obtained from the regional superintendent of schools for the use of the examining physician.

d) Each applicant to be tested for drugs shall consent in writing to provide a urine specimen for this purpose as part of the applicant's annual medical examination and shall authorize the release of the results of such tests to the examining physician. Those persons responsible for collection of the specimen shall ensure that the specimen is not substituted, adulterated, or diluted by the applicant during the collection procedure. The specimen container shall be labeled to identify its source and shall be delivered to the testing laboratory by U.S. mail, personal delivery by the physician's staff, a professional messenger service, or by other means which preclude tampering with the specimen. Those persons responsible for collecting, processing, and testing the specimen shall maintain and be able to document a chain of custody for the specimen which ensures its integrity.

e) The specimen shall be tested for marijuana, cocaine, opiates, amphetamines and phencyclidine using the tests and standards for positive test results specified in 49 CFR 40.29 (e) and (f). Testing shall be conducted by a laboratory certified by either the Illinois Department of Public Health pursuant to 77 Ill. Adm. Code 510, or the U.S. Department of Transportation pursuant to 49 CFR Part 40.

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- f) The laboratory shall report the test results only to the examining physician. The physician shall review confirmed positive test results in order to determine whether there is a legitimate medical explanation of legal drug use for each positive test result. The physician may, at his or her discretion, consult with any other physician whose expertise in the area of substance abuse may, in the examining physician's judgment, be helpful in reviewing test results. The physician shall record his or her findings on the applicant's health certificate form. If the physician determines that there is no legitimate medical explanation for a positive test result for one or more of the tested drugs, the applicant shall be ineligible to receive a school bus driver permit.
- g) Each applicant, as part of the annual medical examination, shall also be tested to assist the physician in determining whether the applicant has a current clinical diagnosis of alcoholism. The physician shall record on the examination form those tests which were administered, as well as the physician's findings as to whether the applicant has a current clinical diagnosis of alcoholism. An applicant with a current clinical diagnosis of alcoholism shall be ineligible for a school bus driver permit.
- h) An applicant shall be considered physically qualified to operate a school bus only if he or she:
- 1) has no loss or impairment of a hand, finger, arm, foot, or leg which would interfere with the safe operation of a school bus, or has had such loss(es) or impairment(s) compensated for in a manner satisfactory to the examining physician;
 - 2) has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control which is likely to interfere with the ability to control and drive a school bus safely;
 - 3) has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure;

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- 4) has no established history or clinical diagnosis of a respiratory dysfunction likely to interfere with the ability to control and drive a school bus safely;
- 5) has no current clinical diagnosis of high blood pressure likely to interfere with the ability to control and drive a school bus safely;
- 6) has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease likely to interfere with the ability to control and drive a school bus safely;
- 7) has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control and drive a school bus safely;
- 8) has no mental, nervous, organic or functional disease or psychiatric disorder likely to interfere with the ability to control and drive a school bus safely;
- 9) has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses, or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses. distant binocular acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, amber and green (i.e., no monocular individual may be considered qualified);
- 10) first perceives a forced whispered voice in the better ear at not less than 5 feet with or without a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard Z24.5-1951;

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- 11) does not use amphetamines, cocaine, marijuana, opiates, phencyclidine, or any other mind-altering drug or substance, or any prescribed drug that may interfere with the ability to operate a school bus safely; and
- 12) has no current clinical diagnosis of alcoholism.
- i) The examining physician's conclusion as to whether the person he/she examined is qualified to drive a school bus shall be recorded on a medical examiner's certificate with the following form:

MEDICAL EXAMINER'S CERTIFICATE

I certify that I have examined (driver's name (print)) in accordance with the provisions of Section 275.30 of 23 Ill. Adm. Code 275 (Pupil Transportation) and based upon the results of this examination, including the results of tests for alcohol and drug use required in Section 275.30, I find that he/she is

Qualified under the regulations

Qualified only when wearing corrective lenses

Qualified only when wearing a hearing aid

Not qualified under the regulations

A completed examination form for this person is on file in my office at (address).

Date of Examination

Name of Examining Doctor

Signature of Examining Doctor

Signature of Driver

Address of Driver

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- i) One copy of the completed certificate is to be presented by the applicant to the regional superintendent in whose region services will be performed; one copy is to be retained by the applicant; and one copy is to be retained by the examining physician.

(Source: Emergency amendment at 14 Ill. Reg. 6411 effective April 17, 1990, for a maximum of 150 days)

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- 1) The Heading of the Part: Organic Material Emission Standards and Limitations.
- 2) Code Citation: 35 Ill. Adm. Code 215
- 3) Section Numbers:
215.585
Emergency Action:
Amended
- 4) Statutory Authority: Ill. Rev. Stat 1989, Ch. 111-1/2, par 1010 and 1027, and Ch. 127, par. 1005.2
- 5) Effective Date of Rule(s) (Amendments, Repealer): April 11, 1990
- 6) If this emergency rule (amendment, repealer) is to expire before the end of the 150 day period, please specify the date on which it is to expire:
- 7) Date Filed in Agency's Principal Office: April 3, 1990.
- 8) Reason for Emergency:

On February 15, 1990, the Board adopted an Opinion and Order in R88-30(A) establishing a statewide 9.5 pounds per square inch ("psi") Reid Vapor Pressure ("RVP") standard during the months of July and August for this summer and each summer thereafter. Subsequent to that date, the adopted regulations were filed with the Secretary of State's Administrative Code Division for publication in the Illinois Register and for official filing. On March 16, 1990, the United States Environmental Protection Agency ("USEPA") filed a motion to reconsider the Board's February 15, 1990 decision. On March 22, 1990 the Board adopted an emergency rule which addresses USEPA's concern.

USEPA's Motion for Reconsideration

As a preliminary matter, the Board notes that the adoption of the gasoline volatility rule in R88-30(A) followed ample public notice and comment. The Board received comments from many individuals and incorporated those comments which the Board found to be reasonable. USEPA participated in this rulemaking and at no time communicated any problem with the language. In fact, USEPA specifically noted its support for the proposed amendments. That notwithstanding, however, USEPA states in its motion that two subsections of text adopted by the Board on February 15, 1990, are not consistent with USEPA requirements for approval and that unless the Board corrects these "defective" sections, USEPA "must" disapprove the incorporation of this rule into the State's plan." The specific concerns are as follows.

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First, Section 215.585(e) allows the measurement of RVP by test method ASTM D323 which has not been approved for use in this fashion by USEPA. The other method of measurement contained in Section 215.585(e), which is the method currently approved by USEPA to measure the RVP of gasoline, is the modification of ASTM D323 known as the "dry method", as set forth in 40 CFR Appendix E. To comply with federal requirements, USEPA states that the subsection should be modified to read:

The Reid vapor pressure of gasoline shall be measured in accordance with a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR, Appendix E, incorporated by reference in Section 215.105.

Unless this subsection is modified, USEPA states that it would have "no alternative but to disapprove the Opinion and Order of the Board in proceeding R88-30(A)."

Second, Section 215.585(g) grants the Illinois Environmental Protection Agency ("Agency") authority to approve alternate sampling, test methods, or procedures without USEPA review and approval. USEPA states that "this broad discretion violated Federal requirements contained on page 2-14 of Issues Relating to VOC Regulation Cutpoints Deficiencies and Deviation, Clarification to Appendix D of the November 24, 1987 Federal Register (52 FR 45044)." In support of this belief, USEPA states:

Based on those requirements, the State was notified on June 17, 1988, that it must revise the existing federally approved plan, removing this exclusive grant of discretion from all volatile organic compound rules; such discretion renders the plan inadequate to attain and maintain the National Ambient Air Quality Standards (NAAQS) for ozone. (See the June 17, 1988, letter to Michael J. Hayes, Manager, Division of Air Pollution Control, IEPA, from David Kee, Director, Air and Radiation Division, USEPA....)

Furthermore, in that recent case law indicates that such State discretionary approvals would modify the State Implementation Plan without Federal comment or rulemaking, USEPA cannot approve Section 215.585(g) as it is now written. (See for example *United States of America v. Allsteel Inc.* (No. 87C4638 ND ILLINOIS, August 30, 1989).)

(USEPA Motion, p. 2)

To comply with federal requirements, USEPA states that the following language must be added to subsection (g) to complete the section:

Upon approval of the alternate sampling or test methods or procedures contained in subsections (d), (e), and (f), the Agency will submit

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the methods or procedures to the United States Environmental Protection Agency (USEPA) as a revision to the State plan. Alternate methods or procedures become effective only upon approval of the incorporation of the alternative method or procedure in the State plan by USEPA.

Procedural Aspects

The Board notes that motions to reconsider rulemaking decisions pose significant procedural problems under the Illinois Administrative Procedure Act ("APA"). Once the Board files adopted amendments with the Secretary of State, the Board cannot simply amend those amendments without adherence to one of the rulemaking processes set forth in the APA, i.e., General Rulemaking or Emergency Rulemaking. In fact, once the Board proceeds to second notice in a rulemaking proceeding, the substance of the proposed amendment is established and cannot be amended except as in response to a question or suggestion of the Joint Committee on Administrative Rules. See Ill. Rev. Stat., ch. 127, par. 1005.1(b). Thus, the changes suggested by USEPA's motion, whether substantively valid or not, present the following challenge--how does the Board adopt the changes in time for the gasoline volatility rule to be effective and enforceable come July 1, 1990?

The reasons that this rule must be enforceable by July 1, 1990, are fully discussed in the Board's Opinion of February 15, 1990. Generally, the reduction of volatile organic material ("VOM") emissions estimated to result from the operation of the gasoline volatility rule is approximately 200 tons per day in the Chicago metropolitan area alone. In other words, if this rule is enforceable, it can reduce the emission of ozone forming materials by about 200 tons per day in the Chicago area. As the Board stated in the R88-30 proceeding:

Ozone pollution is one of the nation's most serious and complex air pollution problems. Ozone is a photochemical oxidant and the major component of smog. Unlike other pollutants, ozone is not emitted directly into the atmosphere but is formed through chemical reactions among precursor emissions (volatile organic compounds or VOCs, nitrogen oxides, carbon monoxide and other compounds) in the presence of sunlight. The rate of ozone production is increased when atmospheric temperatures are warmer.

The hot summers of 1987 and 1988 resulted in high levels of ozone in the Chicago and Metro East non-attainment areas. Readings as high as 0.22 ppm by volume were recorded, which is some 83% above the federal and Illinois air quality standard of 0.12 ppm by volume. However, the ozone problem is not specific to Illinois. The United States Environmental Protection Agency (USEPA) estimates that there are more

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than 80 urban areas where the ozone air quality standard is being exceeded.

New and emerging scientific data is shedding more light on the effect high levels of ozone have on the general public. Ozone severely affects individuals with chronic heart, lung, and circulatory system diseases. Otherwise healthy individuals who exercise while ozone levels are high can experience reduced functioning of the lungs, leading to chest pains, coughing, wheezing, and pulmonary congestion. In addition to the health effects, ozone has been estimated to cause two to three billion dollars worth of crop damage nationally each year. Also, because the Chicago area has exceeded the ozone standard repeatedly, USEPA has imposed a construction ban on the Chicago non-attainment area which prohibits the construction or modification of major air pollution sources and thus restricts the economic development of the Chicagoland area. (Emphasis added.)

Thus, the Board is quite concerned about effectuating an enforceable rule by July 1, 1990. However, the Board also noted in the R88-30 proceeding that enforcement of the rule is contingent upon approval of the rule by USEPA as a revision to the State Implementation Plan ("SIP"). See *American Petroleum Institute v. New York State Department of Environmental Conservation*, 29 ERC 1457 (D.N.Y. April 4, 1989). USEPA will also require some time to approve the State rule as a SIP revision.

Obviously, the APA general rulemaking processes (i.e., first notice, second notice, and final adoption) are not appropriate to address USEPA's concerns in time to have an enforceable rule in place by July 1, 1990. However, both the Environmental Protection Act (Act) and the APA contemplate the existence of exceptional situations which can appropriately be handled only by adoption of rules in a shorter-than-usual time period. The Board believes that addressing the noted concerns in this rulemaking is one of those situations which requires such expedited rulemaking.

Pursuant to Section 27(c) of the Act and Section 5.02 of the APA, the Board may adopt a temporary emergency rule effective for 150 days without utilizing the usual rulemaking procedural steps. The 150 days will encompass the regulatory control period of July and August of this year and allow time for consideration of other steps to address USEPA's concerns for next year. The APA terms this type of rulemaking as an "emergency rulemaking", and defines "emergency" as "the existence of any situation which an agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The Board believes that the ozone problem in Illinois reasonably constitutes such a threat, that the gasoline volatility rule, if approved by USEPA, would result in a significant reduction of ozone precursors, and that the only means by

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which the Board can effectuate an enforceable gasoline volatility rule under the circumstances presented herein and in time to realize the benefits therefrom is by emergency rulemaking pursuant to Section 5.02 of the APA.

Thus, the Board will proceed pursuant to the emergency rulemaking procedures to address USEPA's concerns. As a preliminary matter, the Board notes that the changes USEPA requests are of a substantive nature. Unfortunately, USEPA did not raise these concerns during the R88-30(A) proceeding, although it was kept apprised of the Board's progress during that rulemaking and although it participated actively. As USEPA's concerns were not aired previously, the Board does not have much of a record upon which it can determine what effect these changes will have. Further, the Board is not proposing a general rulemaking to address USEPA's concerns on a permanent basis. Rather, as subdocket (B) has already been proposed, and is awaiting the preparation of an Economic Impact Study, the merits of USEPA's comments can be addressed in subdocket (B) for implementation during the regulatory control period in 1991.

The Board notes that, with respect to the test method, the "dry method" was added to subsection (e) in response to comments received from industry. As USEPA wants this method specified as the only method, the Board does not anticipate that this change will have an unreasonable impact.

With respect to the subsection (g) alternate test method language requiring test method submission to USEPA and approval as a SIP revision, the Board does not know what effect this may have on the regulated community. However, the Board notes that there is a federal regulation governing the gasoline volatility, which apparently specifies which test method is applicable. Thus, the regulated community is already subject to a USEPA approved test method. Given this particular situation, the Board does not believe that requiring USEPA approval of alternate test methods is unreasonable. However, the Board notes that this determination is made solely on the peculiar facts of this proceeding and is not intended to be precedential in nature. The Board has serious questions about the authority of USEPA to require these changes; however, the Board believes it in the best interest of the environment and the State to add the requirement here and adopt an unquestionably approvable rule so as to obtain the benefits resulting therefrom.

Finally, the Board notes that after the filing of R88-30(A) with the Secretary of State, the Board discovered that two subsections were incorrect; subsections (e) and (h) contained the first notice language without the changes made in response to comments received during the first notice period. As the Secretary of State's Administrative Code Division's regulations do not allow the Board to file corrections in this situation,

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the Board must correct the language of those subsections by other means. As those subsections were adopted pursuant to proper notice and comment, the Board is adding the correct language to this Order, where not amended by USEPA's changes, so as to have the correct language on the Secretary of State's files during the regulatory control period. These changes are necessary to obtain an approvable rule and therefore meet the emergency standard. Permanent corrections to those subsections are currently pending.

9) A Complete Description of the Subjects and Issues Involved: See answer to question 8 above

10) Are there any proposed amendments to this part pending? Yes

Section Numbers	Proposed Action	Illinois Registrar Citation
215.102	Amendment	13 111. Reg. 16645
215.102	Amendment	14 111. Reg. 2772
215.104	Amended	13 111. Reg. 15551
215.104	Amended	13 111. Reg. 15249
215.104	Amendment	13 111. Reg. 16645
215.105	New Section	13 111. Reg. 15551
215.105	Amendment	13 111. Reg. 15249
215.105	Amendment	13 111. Reg. 16645
215.122	Amendment	13 111. Reg. 16645
215.123	Amendment	13 111. Reg. 19081
215.124	Amendment	13 111. Reg. 16645
215.127	New Section	13 111. Reg. 16645
215.128	New Section	13 111. Reg. 16645
215.181	Amendment	13 111. Reg. 16645
215.206	Amendment	13 111. Reg. 16645
215.208	Amendment	13 111. Reg. 16645
215.211	Amendment	13 111. Reg. 16645
215.241	Amendment	13 111. Reg. 16645
215.404	Repealed	13 111. Reg. 16645
215.409	New Section	13 111. Reg. 16645
215.410	New Section	13 111. Reg. 16645
215.421	Amendment	13 111. Reg. 16645
215.432	Amendment	13 111. Reg. 16645
215.445	Amendment	13 111. Reg. 16645
215.447	Amendment	13 111. Reg. 16645
215.464	Amendment	13 111. Reg. 16645
215.467	New Section	13 111. Reg. 16645
215.480	Amendment	14 111. Reg. 2772
215.482	Amendment	14 111. Reg. 2772
215.486	Amendment	14 111. Reg. 2772
215.487	Amendment	14 111. Reg. 2772

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215.489	Amendment	14 111. Reg.	2772
215.581	Amendment	13 111. Reg.	16645
215.582	Amendment	13 111. Reg.	16645
215.584	Amendment	13 111. Reg.	16645
215.585	New Section	13 111. Reg.	15551
215.585	New Section	13 111. Reg.	16645
215.601	Amendment	13 111. Reg.	16645
215.602	Amendment	13 111. Reg.	16645
215.603	Amendment	13 111. Reg.	16645
215.606	Repealed	13 111. Reg.	16645
215.610	Amendment	13 111. Reg.	16645
215.614	New Section	13 111. Reg.	16645
215.615	New Section	13 111. Reg.	16645
215.620	Amendment	13 111. Reg.	16645
215.626	New Section	13 111. Reg.	16645
215.636	Amendment	13 111. Reg.	16645
215.886	Amendment	13 111. Reg.	16645
215.920	Amendment	13 111. Reg.	16645
215.926	Amendment	13 111. Reg.	16645
215.928	New Section	13 111. Reg.	16645
215.929	New Section	13 111. Reg.	16645
215.940	Amendment	13 111. Reg.	16645
215.946	Amendment	13 111. Reg.	16645
215.948	New Section	13 111. Reg.	16645
215.960	Amendment	13 111. Reg.	16645
215.966	Amendment	13 111. Reg.	16645
215.968	New Section	13 111. Reg.	16645

11) Statement of Statewide Policy Objectives: The Board does not believe that these amendments will affect local units of government.

12) Information and questions regarding this amendment shall be directed to:

Daniel L. Siegfried
Illinois Pollution Control Board
100 West Randolph 11-500
Chicago, Illinois 60601
(312) 814-6923

The full text of the emergency rules (amendments, repealer) begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS FOR
STATIONARY SOURCES

PART 215

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

SUBPART A: GENERAL PROVISIONS

Section	Introduction
215.100	Clean-up and Disposal Operations
215.101	Testing Methods
215.102	Abbreviations and Conversion Factors
215.103	Definitions
215.104	Incorporation by Reference
215.105	Afterburners
215.106	Determination of Applicability
215.107	

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING
OPERATIONS

Section	Storage Containers
215.121	Loading Operations
215.122	Petroleum Liquid Storage Tanks
215.123	External Floating Roofs
215.124	Compliance Dates and Geographical Areas
215.125	Compliance Plan
215.126	

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	Separation Operations
215.141	Pumps and Compressors
215.142	Vapor Blowdown
215.143	Safety Relief Valves
215.144	

SUBPART E: SOLVENT CLEANING

Section	Solvent Cleaning in General
215.181	Cold Cleaning
215.182	

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215.183 Open Top Vapor Degreasing
215.184 Conveyorized Degreasing
215.185 Compliance Plan

SUBPART F: COATING OPERATIONS

Section
215.202 Compliance Schedules
215.204 Emission Limitations for Manufacturing Plants
215.205 Alternative Emission Limitations
215.206 Exemptions from Emission Limitations
215.207 Compliance by Aggregation of Emission Sources
215.208 Testing Methods for Solvent Content
215.209 Exemption from General Rule on Use of Organic Material
215.210 Alternative Compliance Schedule
215.211 Compliance Dates and Geographical Areas
215.212 Compliance Plan
215.213 Special Requirements for Compliance Plan

SUBPART H: SPECIAL LIMITATIONS FOR SOURCES IN MAJOR URBANIZED AREAS WHICH ARE NONATTAINMENT FOR OZONE

Section
215.240 Applicability
215.241 External Floating Roofs
215.245 Flexographic and Rotogravure Printing
215.249 Compliance Dates

SUBPART I: ADJUSTED RACT EMISSIONS LIMITATIONS

Section
215.260 Applicability
215.261 Petition
215.263 Public Hearing
215.264 Board Action
215.267 Agency Petition

SUBPART K: USE OF ORGANIC MATERIAL

Section
215.301 Use of Organic Material
215.302 Alternative Standard
215.303 Fuel Combustion Emission Sources
215.304 Operations with Compliance Program
215.305 Viscose Exemption (Repealed)

SUBPART N: VEGETABLE OIL PROCESSING

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Section
215.340 Hexane Extraction Soybean Crushing
215.342 Hexane Extraction Corn Oil Processing
215.344 Recordkeeping For Vegetable Oil Processes
215.345 Compliance Determination
215.346 Compliance Dates and Geographical Areas
215.347 Compliance Plan

SUBPART P: PRINTING AND PUBLISHING

Section
215.401 Flexographic and Rotogravure Printing
215.402 Exemptions
215.403 Applicability of Subpart K
215.404 Testing and Monitoring
215.405 Compliance Dates and Geographical Areas
215.406 Alternative Compliance Plan
215.407 Compliance Plan
215.408 Heatset Web Offset Lithographic Printing

SUBPART Q: LEAKS FROM SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING EQUIPMENT

Section
215.420 Applicability
215.421 General Requirements
215.422 Inspection Program Plan for Leaks
215.423 Inspection Program for Leaks
215.424 Repairing Leaks
215.425 Recordkeeping for Leaks
215.426 Reporting for Leaks
215.427 Alternative Program for Leaks
215.428 Compliance Dates
215.429 Compliance Plan
215.430 General Requirements
215.431 Inspection Program Plan for Leaks
215.432 Inspection Program for Leaks
215.433 Repairing Leaks
215.434 Recordkeeping for Leaks
215.435 Report for Leaks
215.436 Alternative Program for Leaks
215.437 Open-Ended Valves
215.438 Standards for Control Devices
215.439 Compliance Plan

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES; ASPHALT

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MATERIALS

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215.441 Petroleum Refinery Waste Gas Disposal
215.442 Vacuum Producing Systems
215.443 Wastewater (Oil/Water) Separator
215.444 Process Unit Turnarounds
215.445 Leaks: General Requirements
215.446 Monitoring Program Plan for Leaks
215.447 Monitoring Program for Leaks
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215.449 Reporting for Leaks
215.450 Alternative Program for Leaks
215.451 Sealing Device Requirements
215.452 Compliance Schedule for Leaks
215.453 Compliance Dates and Geographical Areas

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section
215.461 Manufacture of Pneumatic Rubber Tires
215.462 Green Tire Spraying Operations
215.463 Alternative Emission Reduction Systems
215.464 Testing and Monitoring
215.465 Compliance Dates and Geographical Areas
215.466 Compliance Plan

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section
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215.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
215.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
215.483 Material Storage and Transfer
215.484 In-Process Tanks
215.485 Leaks
215.486 Other Emission Sources
215.487 Testing
215.488 Monitors for Air Pollution Control Equipment
215.489 Compliance Schedule

SUBPART U: COKE MANUFACTURING AND BY-PRODUCT RECOVERY

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215.500 Exceptions

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215.510 Coke By-Product Recovery Plants
215.512 Coke By-Product Recovery Plant Leaks
215.513 Inspection Program
215.514 Recordkeeping Requirements
215.515 Reporting Requirements
215.516 Compliance Dates
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SUBPART V: AIR OXIDATION PROCESSES

Section
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215.525 Emission Limitations for Air Oxidation Processes
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Section
215.541 Pesticide Exception

SUBPART X: CONSTRUCTION

Section
215.561 Architectural Coatings
215.562 Paving Operations
215.563 Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section
215.581 Bulk Gasoline Plants
215.582 Bulk Gasoline Terminals
215.583 Gasoline Dispensing Facilities
215.584 Gasoline Delivery Vessels
215.585 Gasoline Volatility Standards
EMERGENCY

SUBPART Z: DRY CLEANERS

Section
215.601 Perchloroethylene Dry Cleaners
215.602 Exemptions
215.603 Testing and Monitoring
215.604 Compliance Dates and Geographical Areas
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215.606 Exception to Compliance Plan
 215.607 Standards for Petroleum Solvent Dry Cleaners
 215.608 Operating Practices for Petroleum Solvent Dry Cleaners
 215.609 Program for Inspection and Repair of Leaks
 215.610 Testing and Monitoring
 215.611 Exemption for Petroleum Solvent Dry Cleaners
 215.612 Compliance Dates and Geographical Areas
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SUBPART AA: PAINT AND INK MANUFACTURING

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 215.620 Applicability
 215.621 Exemption for Waterbase Material and Heatset Offset Ink
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 215.920 Applicability
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SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

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 215.960 Applicability
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Appendix A Rule Into Section Table
 Appendix B Section Into Rule Table
 Appendix C Past Compliance Dates
 Appendix D List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
 Appendix E Reference Methods and Procedures
 Appendix F Coefficients for the Total Resource Effectiveness Index (TRE) Equation

AUTHORITY: Implementing Section 22 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111-1/2, pars. 1022 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 Ill. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5 at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13601; Notice of Corrections at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989; amended in R88-30(A) at 14 Ill. Reg. 3555, effective February 27, 1990; Emergency amendments adopted in R88-30(A) at 14 Ill. Reg. 6421 effective 4/11/90, for a maximum of 150 days.

Section 215.585 Gasoline Volatility Standards
 EMERGENCY

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENTS

- a) No person shall sell, offer for sale, dispense, supply, offer for supply, or transport for use in Illinois gasoline whose Reid vapor pressure exceeds the applicable limitations set forth in subsections (b) and (c) during the regulatory control periods, which shall be July 1 to August 31 for retail outlets, wholesale purchaser-consumer facilities, and all other facilities.
- b) The Reid vapor pressure of gasoline, a measure of its volatility, shall not exceed 9.5 psi (65.5 kPa) during the regulatory control period in 1990 and each year thereafter.
- c) The Reid vapor pressure of ethanol blend gasolines shall not exceed the limitations for gasoline set forth in subsection (b) by more than 1.0 psi (6.9 kPa). Notwithstanding this limitation, blenders of ethanol blend gasolines whose Reid vapor pressure is less than 1.0 psi above the base stock gasoline immediately after blending with ethanol are prohibited from adding butane or any product that will increase the Reid vapor pressure of the blended gasoline.
- d) All sampling of gasoline required pursuant to the provisions of this Section shall be conducted by one or more of the following approved methods or procedures which are incorporated by reference in Section 215.105.
 - 1) For manual sampling, ASTM D4057;
 - 2) For automatic sampling, ASTM D4177;
 - 3) Sampling Procedures for Fuel Volatility, 40 CFR 80 Appendix D.
- e) The Reid vapor pressure of gasoline shall be measured in accordance with test method ASTM D323 or in the case of gasoline-oxygenate blends which contain water-extractable oxygenates, a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix E, incorporated by reference in Section 215.105.
- f) The ethanol content of ethanol blend gasolines shall be determined by use of one of the approved testing methodologies specified in 40 CFR 80, Appendix F, incorporated by reference in Section 215.105.
- g) Any alternate to the sampling or testing methods or procedures contained in subsections (d), (e), and (f) must be approved by the Agency, which shall consider data comparing the performance of the proposed alternative to the performance of one or more approved test methods or procedures. Such data shall accompany any request for Agency approval of an alternate test procedure. If the Agency

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENTS

determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test methods or procedures, the Agency shall approve the proposed alternative. Upon approval of the alternate sampling or test methods or procedures contained in subsections (d), (e), and (f), the Agency will submit the methods or procedures to the United States Environmental Protection Agency (USEPA) as a revision to the State plan. Alternate methods or procedures become effective only upon approval of the incorporation of the alternative method or procedure in the State plan by USEPA.

- h) Each refiner or supplier that distributes gasoline or ethanol blends shall:
 - 1) During the regulatory control period, document and clearly designate state that the Reid vapor pressure of all gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois complies with the Reid vapor pressure limitations set forth in Section 215.585(b) and (c). Any facility receiving this gasoline shall be provided with a copy of the accompanying document specifying the Reid vapor pressure an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard.
 - 2) Maintain records for a period of two one years on the Reid vapor pressure, quantity shipped and date of delivery of any gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois. The Agency shall be provided with copies of such records if requested.

(Source: Emergency amendment at 14 Ill. Reg. 6421 effective 4/11/90, for a maximum of 150 days.)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF REFUSAL TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) The Heading of the Part: Licensing Requirements for Source Material
Milling Facilities

- 2) Code Citation: 32 Ill. Adm. Code 332

- 3) Section Numbers:

332.20	Action:
332.40	Refusal
332.60	Refusal
332.100	Refusal
332.110	Refusal
332.130	Refusal
332.180	Refusal
332.200	Refusal
332.210	Refusal
332.220	Refusal
332.230	Refusal
332.240	Refusal
332.250	Refusal
332.290	Refusal

- 4) Date JCAR Statement of Objection Published in the Register:

April 28, 1989, 13 Ill. Reg. 5874

- 5) Summary of Action Taken by the Agency:

The Department is taking no action at this time to amend or repeal this rule.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 9, 1990, through April 13, 1990, and have been scheduled for review by the Committee at its May 8, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its May meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
5/24/90	Department of Conservation, Sport Fishing Regulations for the Waters of Illinois (17 Ill. Adm. Code 810)	2/16/90 14 Ill. Reg. 2419	May 8, 1990
5/25/90	Pollution Control Board, Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)	10/27/89 13 Ill. Reg. 16645	May 8, 1990
5/25/90	Pollution Control Board, Definitions and General Provisions (35 Ill. Adm. Code 211)	10/20/89 13 Ill. Reg. 16257	May 8, 1990
5/25/90	Secretary of State, Issuance of Licenses (92 Ill. Adm. Code 1030)	2/2/90 14 Ill. Reg. 1902	May 8, 1990
5/25/90	Department of Mines and Minerals, Areas Designated by Act of Congress (62 Ill. Adm. Code 1761)	7/28/89 13 Ill. Reg. 12197	May 8, 1990
5/25/90	Department of Mines and Minerals, Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations (62 Ill. Adm. Code 1800)	7/28/89 13 Ill. Reg. 12205	May 8, 1990

ILLINOIS REGISTER

6439
90JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
5/25/90	Department of Mines and Minerals, General (62 Ill. Adm. Code 1700)	7/28/89 13 Ill. Reg. 12217	May 8, 1990
5/25/90	Department of Mines and Minerals, General Definitions (62 Ill. Adm. Code 1701)	7/28/89 13 Ill. Reg. 12222	May 8, 1990
5/25/90	Department of Mines and Minerals, Individual Civil Penalties (62 Ill. Adm. Code 1846)	7/28/89 13 Ill. Reg. 12248	May 8, 1990
5/25/90	Department of Mines and Minerals, Permanent Program Performance Standards--Surface Mining Activities (62 Ill. Adm. Code 1816)	7/28/89 13 Ill. Reg. 12255	May 8, 1990
5/25/90	Department of Mines and Minerals, Permanent Program Performance Standards--Underground Mining Operations (62 Ill. Adm. Code 1817)	7/28/89 13 Ill. Reg. 12280	May 8, 1990
5/25/90	Department of Mines and Minerals, Permit Applications--Minimum Requirements for Legal, Financial, Compliance, and Related Information (62 Ill. Adm. Code 1778)	7/28/89 13 Ill. Reg. 12303	May 8, 1990
5/25/90	Department of Mines and Minerals, Requirements for Coal Exploration (62 Ill. Adm. Code 1772)	7/28/89 13 Ill. Reg. 12311	May 8, 1990
5/25/90	Department of Mines and Minerals, Requirements for Permits and Permit Processing (62 Ill. Adm. Code 1773)	7/28/89 13 Ill. Reg. 12317	May 8, 1990

ILLINOIS REGISTER

6440
90JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 3)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
5/25/90	Department of Mines and Minerals, Revision; Renewal; and Transfer, Assignment, or Sale of Permit Rights (62 Ill. Adm. Code 1774)	7/28/89 13 Ill. Reg. 12334	May 8, 1990
5/25/90	Department of Mines and Minerals, State Enforcement (62 Ill. Adm. Code 1843)	7/28/89 13 Ill. Reg. 12341	May 8, 1990
5/25/90	Department of Mines and Minerals, Surface Mining Permit Applications--Minimum Requirements for Information on Environmental Resources (62 Ill. Adm. Code 1779)	7/28/89 13 Ill. Reg. 12347	May 8, 1990
5/25/90	Department of Mines and Minerals, Surface Mining Permit Application--Minimum Requirements for Reclamation and Operation Plan (62 Ill. Adm. Code 1780)	7/28/89 13 Ill. Reg. 12352	May 8, 1990
5/25/90	Department of Mines and Minerals, Underground Mining Permit Applications--Minimum Requirements for Information on Environmental Resources (62 Ill. Adm. Code 1783)	7/28/89 13 Ill. Reg. 12366	May 8, 1990
5/25/90	Department of Mines and Minerals, Underground Mining Permit Applications--Minimum Requirements for Reclamation and Operation Plan (62 Ill. Adm. Code 1784)	7/28/89 13 Ill. Reg. 12371	May 8, 1990
5/28/90	Department of Children and Family Services, Licensing Standards for Youth Emergency Shelters (89 Ill. Adm. Code 410)	1/12/90 14 Ill. Reg. 439	May 8, 1990

EXECUTIVE ORDER

90-2

EXECUTIVE ORDER FOR THE
REDUCTION OF EARTHQUAKE HAZARDS

Whereas, parts of the State of Illinois are recognized by geologists, architects, and engineers as areas of high earthquake risk; and

Whereas, this risk has been confirmed by the public hearings and research of the Governor's Earthquake Preparedness Task Force; and

Whereas, the report of the Task Force recommends that the State of Illinois take immediate steps to reduce the risk of life and property in Illinois represented by the probability of a major earthquake occurrence; and

Whereas, improved earthquake preparedness will necessitate a major cooperative effort of state government with local officials, medical and emergency agencies, and the design/construction industry; and

Whereas, the State of Illinois owns, leases and operates a considerable building inventory, much of which would be vital to the operation of emergency response activities in the aftermath of a disaster; and

Whereas, the State of Illinois owns, provides funding for, and operates transportation systems which provide vital lifelines and are essential to the maintenance of commerce and emergency services both before and after an earthquake; and

Whereas, State government should take the lead in promoting earthquake resistant construction in the State of Illinois.

Now Therefore, by virtue of the authority vested in me as Governor of the State of Illinois, it is hereby ordered as follows:

Sec. 1. STATE OWNED BUILDINGS.

Each State agency responsible for the design and construction of each new State building shall ensure that the building is designed and constructed in accord with appropriate seismic design and construction standards. This requirement pertains to all building projects for which development of detailed plans and specifications is initiated subsequent to the issuance of the order. Seismic design and construction standards shall be adopted for agency use in accord with Section 3(a) of this order. A building means any structure, fully or partially enclosed, used or intended for sheltering persons or property.

Sec. 2. STATE LEASED, ASSISTED OR REGULATED BUILDINGS.

(a) Space Leased for State Occupancy. Each State agency responsible for the construction and lease of a new building for State use shall ensure that the building is designed and constructed in accord with appropriate seismic design and construction standards. This requirement pertains to all leased building projects for which the agreement covering development of detailed plans and specifications is effected subsequent to the issuance of this order. Local building codes shall be used in design and construction by those concerned with such activities in accord with Section 3(a) of this order and augmented when necessary to achieve appropriate seismic design and construction standards.

(b) State Assistance Programs. Each State agency assisting in the financing, through State grants or loans, or guaranteeing the financing through loan or mortgage insurance programs, of newly constructed buildings shall plan, and shall initiate no later than 1 year subsequent to the issuance of this order, measures consistent with Section 3(a) of this order, to assure appropriate consideration of seismic safety.

(c) State Regulated Buildings. Each State agency with responsibility for regulating, through Rules or Regulations, the structural safety of buildings shall require use of appropriate seismic design and construction standards for new facilities within the agency's purview. Implementation of the plan shall be initiated no later than 1 year subsequent to the issuance of this order.

Sec. 3. CONCURRENT REQUIREMENTS.

(a) Nationally recognized private sector standards and practices shall be used for the purposes identified in Sections 1 and 2 above unless the responsible agency finds that none are available that meet its requirements. The actions ordered herein shall consider the seismic hazards in various areas of the State to be as shown in the most recent edition of the American National Standards Institute Standards A58, "Minimum Design Loads for Buildings and Other Structures", or subsequent documents adopted as a result or research prepared by the Governor's Earthquake Preparedness Task Force. Local building codes determined by the responsible agency to provide adequately for seismic safety, or special seismic standards and practices required by unique agency mission needs, may be used.

(b) State agencies that are as of this date requiring seismic safety levels that are higher than those imposed by this order in their assigned new building construction programs may continue to maintain in force such levels.

Sec. 4. HIGHWAY DESIGN AND CONSTRUCTION.

The Department of Transportation shall ensure that all highways under its jurisdiction are designed and constructed in accordance with the criteria for earthquake design established by the American Association of State Highway and Transportation Officials.

Sec. 5. AGENCY RESPONSIBILITIES.

(a) The Director of the Illinois Emergency Services and Disaster Agency (IESDA) shall be responsible for reporting to the Governor on the execution of this order.

(b) To the extent permitted by law, each agency shall issue or amend existing regulations or procedures to comply with this order within 1 year of its issuance and plan for their implementation through the usual budget process. Thereafter, each agency shall review, within a period not to exceed 3 years, its regulations or procedures to assess the need to incorporate new or revised standards and practices.

Sec. 6. REPORTING.

The Illinois Emergency Services & Disaster Agency shall annually request, from each agency affected by this order, information on the status of its procedures, progress in its implementation plan, and the impact of this order on its operations. The IESDA shall include an assessment of the execution of this order in an annual report to the Governor.

Sec. 7. EFFECTIVE DATE.

This order shall take effect on the Sixth day of April, 1990.

Issued by the Governor April 6, 1990.

Filed with the Secretary of State April 10, 1990.

PROCLAMATION

90-151

HOLIDAY MEALS-ON-WHEELS DAY

Whereas, the Chicago Fund on Aging and Disability and the Chicago Chapter of the American Institute of Wine and Food are sponsoring a benefit brunch, "Holiday Meals-on-Wheels II"; and

Whereas, the benefit will feature epicurean specialties from more than thirty renowned chefs from around the country and the State of Illinois; and

Whereas, this special event will be held in the atrium and concourse levels of the State of Illinois Center in Chicago; and

Whereas, one hundred percent of the proceeds from this special event will provide meals to the homebound elderly and persons with disabilities;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 22, 1990, as HOLIDAY MEALS-ON-WHEELS DAY in Illinois and urge all citizens to participate in this worthwhile endeavor.

Issued by the Governor April 9, 1990.

Filed with the Secretary of State April 16, 1990.

90-152

LIONS CANDY DAY

Whereas, Lions of Illinois have spearheaded efforts to protect our citizens against the ravages of blindness and deafness for many years; and

Whereas, presently 20,000 persons in Illinois are blind and 106,000 Illinois residents are deaf or hearing-impaired; and

Whereas, 670 Lions Clubs and 100 Lioness Clubs have been working to fund free services for the blind, visually handicapped, deaf, and hearing-impaired since 1952 through Lions Candy Day; and

Whereas, Lions have expended millions of dollars in recent years for an eye donor registry, for glaucoma and hearing screenings, camping programs, hearing aid and eyeglasses collections, and hundreds of local programs; and

Whereas, on Friday, October 12, Lions are observing Candy Day, their primary fund-raising event of the year;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 12, 1990, as LIONS CANDY DAY in Illinois and urge all Illinois residents to offer generous support for this event.

Issued by the Governor April 9, 1990.

Filed with the Secretary of State April 16, 1990.

90-153

AMERICAN GI FORUM DAYS

Whereas, the American GI Forum is observing the 42nd anniversary year of its establishment as a veterans family organization; and

Whereas, the American GI Forum of the State of Illinois will be hosting its 35th Annual State Convention, June 8-9, 1990; and

Whereas, the American GI Forum has devoted itself to furtherance of the interests of Americans of Mexican descent and has participated in many projects and programs within the Mexican-American communities throughout the State of Illinois; and

Whereas, the activities of the American GI Forum have enhanced the quality of life of its community, creating many new opportunities for personal growth and development and proving a source of pride for all citizens of Mexican-American descent; Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 8-9, 1990, as AMERICAN GI FORUM DAYS in Illinois and urge all citizens to be cognizant of the events arranged for this time.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.

90-154

AMERICAN POLICE HALL OF FAME DAY

Whereas, for the past 30 years the American Police Hall of Fame and Museum has served as the nation's first and only law enforcement memorial; and

Whereas, the National Association of Chiefs of Police uses the memorial as a means for honoring more than 3,124 law enforcement officers who have died in the line of duty; and

Whereas, the association has maintained a museum with a display of law enforcement artifacts to educate the public and to honor the 600,000 men and women who serve and protect our communities;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 5, 1990, as AMERICAN POLICE HALL OF FAME DAY in Illinois and urge citizens to pay tribute to every law enforcement officer who has sworn to protect and defend our lives and property.

Issued by the Governor April 10, 1990

Filed with the Secretary of State April 16, 1990.

90-155

BETTER HEARING AND SPEECH MONTH

Whereas, communicative disorders, including hearing loss and speech impairments, constitute our state's number one disability,

affecting more than 1,150,000 Illinoisans; and

Whereas, most people with such problems can be helped through medical treatment, surgery, hearing aids or appropriate therapy; and

Whereas, Illinois has more than 825 hearing-aid dispensers certified by the Illinois Department of Public Health; and

Whereas, increased public awareness will help encourage and stimulate early detection of communicative disorders, proper prevention and treatment, and greater public understanding of hearing and speech impairments;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1990 as BETTER HEARING AND SPEECH MONTH in Illinois. I urge all citizens of Illinois to learn more about hearing and speech disorders and to join in the effort to create a more enlightened public.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.

90-156

BLOOD DONOR AWARENESS MONTH

Whereas, the State of Illinois has set aside August as Blood Donor Awareness Month to recognize the achievements of all blood donors; and

Whereas, the state acknowledges those silent heroes who continue to unselfishly help save lives with each blood donation; and

Whereas, Blood Donor Awareness Month has also been established to encourage other healthy citizens to join the ranks of blood donors and to give of themselves generously. This month comes when blood supplies are typically short; and

Whereas, blood donors are needed daily for patients suffering from cancer, leukemia, severe anemia, joint replacements, and heart disease; for people having organ transplants; and for daily use in emergency rooms around the state; and

Whereas, each one of us should recognize the need for an adequate supply of every blood type that must be available at all times to meet the needs of patients in our communities and in the State of Illinois; and

Whereas, giving blood is a safe, normal, and healthy activity which saves lives;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim August 1990 as BLOOD DONOR AWARENESS MONTH in Illinois.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.

90-157

BOYS AND GIRLS CLUB WEEK

Whereas, the Boys and Girls Clubs of Chicago (BGCC) has provided more than 15,000 young people with positive alternatives to the street; and

Whereas, for 89 years, club members have had the opportunity to participate in programs including health education, computer literacy, youth employment, alcohol and drug abuse prevention, and citizen and leadership development; and

Whereas, BGCC has more than 1,100 volunteers and staff dedicating their time to the well-being of club members; and

Whereas, BGCC will join 1,100 other Boys and Girls Clubs organizations throughout the country in celebrating National Boys Club Week; and

Whereas, the "Future is So Bright at the Boys and Girls Clubs of Chicago" because of the rich educational and cultural programs and opportunities sponsored by the clubs;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 23-27, 1990, as BOYS AND GIRLS CLUB WEEK in Illinois in recognition of the clubs' contributions to our young people and our communities.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.

90-158

BOZO BALL DAY

Whereas, for nearly 100 years, children who live on Chicago's west side have come to the Off The Street Club for protection from gangs, drugs, and crime; and

Whereas, today the club serves as a haven for more than 3,000 youngsters; and

Whereas, WGN-TV and the business community recognize the Off The Street Club's desperate need to upgrade its building on Karlov Avenue and thus, have organized an event incorporating the talents of Chicago's artists, musicians, Bozo, and other celebrities to help meet this need; and

Whereas, this gala event has been named the "Bozo Ball," utilizing Bozo's widespread popularity;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 28, 1990, as BOZO BALL DAY in Illinois and commend the efforts to restore the Off The Street Club facility.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.

90-159

BUSINESS OPPORTUNITY DAYS

Whereas, the 23rd Annual Chicago Business Opportunity Fair will be held April 17-18 for Chicago-based business, industry, and government representatives; and

Whereas, Richard M. Morrow, chairman of the board and chief executive officer of Amoco Corporation, will serve as chairman of the fair's Sponsors Committee; and

Whereas, during this event, minority suppliers and purchasing personnel from major buying organizations will have the opportunity to meet and exchange information about mutual buying and selling needs; and

Whereas, the Chicago Business Opportunity Fair helps further the year-round efforts of the Chicago Regional Purchasing Council, Inc., an organization which sponsors the event and is devoted to stimulating minority purchasing; and

Whereas, the Minority Business Subcouncil of the Chicago Regional Purchasing Council will hold its Twelfth Annual Awards Presentation and Reception on April 17, honoring representatives from the public and private sectors for their contributions to minority suppliers' growth and development;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 17-18, 1990, as BUSINESS OPPORTUNITY DAYS in Illinois.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.

90-160

COMMUNITY MENTAL HEALTH SERVICES WEEK

Whereas, community mental health services play an important role in the prevention, identification, and treatment of mental illness in Illinois; and

Whereas, community mental health services enhance the quality of life for the mentally ill in Illinois; and

Whereas, Illinois communities will benefit from an increased public awareness of the need for community mental health services; and

Whereas, Illinois communities will benefit from an increased public awareness concerning the array of community mental health services available in their local communities;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 13-19, 1990, as COMMUNITY MENTAL HEALTH SERVICES WEEK in Illinois.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.

90-161

DRINKING WATER WEEK

Whereas, an abundant supply of safe, high-quality water is as essential to the economic growth and productivity of our state as it is to our health, comfort, and standard of living; and

Whereas, the American Water Works Association, which represents more than 45,000 members, wishes to focus public attention on the services and goals of the water supply industry through Drinking Water Week; and

Whereas, through its dedication to advanced knowledge of design, operation, and management of water utilities, the association strives to continue providing better water for everyone--when and where they need it;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 6-12, 1990, as DRINKING WATER WEEK in Illinois and encourage our citizens to broaden their understanding of the goals and services of the water utilities in our state.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.

90-162

ECC MUSIC WORKSHOP DAYS

Whereas, the ECC Music Workshop is a Chicago-based organization committed to preserving gospel music as an art form; and

Whereas, the ECC Music Workshop serves as a consulting organization for the general public and is geared to improving the performance, quality, and music administration of choirs, community choral organizations, ensembles, musicians, and soloists; and

Whereas, the workshop offers seminars, symposiums, performance series, and other activities that focus on preserving and promoting gospel music;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim July 9-14, 1990, as ECC MUSIC WORKSHOP DAYS in Illinois in recognition of the strides the workshop has taken to preserve gospel music.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.

90-163

ENVIRONMENTAL AWARENESS WEEK

Whereas, all parts of our environment are closely related, and therefore, a type of pollution that chiefly harms one part may also affect other parts; and

Whereas, environmental pollution is one of the most serious

problems our world faces today; and

Whereas, our air, water, and land, which are being harmed by pollution, are vital to the survival of all living things; and

Whereas, recent research indicates pollutants such as solid waste, radiation, ozone, acid rain, and radon are posing very serious threats to our environment; and

Whereas, we must commit ourselves to eliminating these threats in order to preserve our environment;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 22-28, 1990, as ENVIRONMENTAL AWARENESS WEEK in Illinois and urge citizens to do what they can to protect and maintain our environment.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.

90-164

FAMILY WEEK

"There's no vocabulary for love within a family, love that's lived in but not looked at, love within the light of which all else is seen, the love within which all other love finds speech. This love is silent" T.S. Eliot, The Elder Statesman, 1958

Whereas, the family is the entity that nurtures the values which have made America great. The bonds of familial love are the foundation of our nation's strength; and

Whereas, the trust, duty, respect, and cooperation that are a way of life for family members are traits that reinforce the fabric and function of all societal units from the neighborhood to the nation. The acceptance of each individual family member's uniqueness, teamed with simultaneous, unified strides to improve gives momentum to our progress as a nation; and

Whereas, appropriately placed with the traditional week of Thanksgiving, National Family Week is a period of thanks for all the contributions the family has made to our country;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim November 18-24, 1990, as FAMILY WEEK in Illinois, in conjunction with the national observance.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.

90-165

FLAG CELEBRATION DAYS

Whereas, the flag of the United States of America is the primary symbol representing the State of Illinois and the other 49 states as one nation, indivisible; and

Whereas, it is the only flag entitled to a salute, and it is to the flag that Americans pledge their allegiance; and

Whereas, the flag symbolizes the influence and protection of

the United States to its people around the world and lifts the hearts of Americans in strange and distant lands; and Whereas, the flag flies over the graves of countless Americans who gave their lives for this country; and Whereas, for all these reasons, the flag deserves special honor, protection, and remembrance;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 7-14, 1990, as FLAG CELEBRATION DAYS in Illinois.

Issued by the Governor April 10, 1990.
Filed with the Secretary of State April 16, 1990.

90-166

FLUORSPAR WEEK

Whereas, fluorspar, also known as fluorite, is the official mineral of the State of Illinois, having been selected by the legislature in 1965 from among other beautiful minerals; and Whereas, the cubiform specimens are prized among collectors for their showy colorings of purple, blue, green, yellow, or lavender; and

Whereas, fluorspar is essential to the manufacture of refrigerants and teflon and to the refining of steel and aluminum; and

Whereas, the greatest reserve of fluorspar in the United States is in a deposit that extends through Hardin County; and Whereas, the Delta Shrine Club of Hardin County is holding its annual Fluorspar Festival;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 7-14, 1990, as FLUORSPAR WEEK in Illinois to remind all citizens of the importance of this native Illinois resource.

Issued by the Governor April 10, 1990.
Filed with the Secretary of State April 16, 1990.

90-167

HEALTH CARE TEAM DAY

Whereas, the Chicago area is recognized as a major resource for medical care, and its health institutions are visited each year by people from around the world seeking advanced medical treatment; and

Whereas, health care employees engaged in non-clinical functions are a vital part of the health care delivery team in all settings, including admissions, engineering, purchasing, housekeeping, and transportation; and

Whereas, health care is in a stage of dynamic growth, with all staff members being called upon to assume greater responsibility and skills; and

Whereas, these employees make major contributions in every

health care facility to advance the metropolitan area's reputation for health care excellence; and Whereas, the 100 area hospitals and health care organizations that are members of the Metropolitan Chicago Health Care Council salute all non-clinical staff as committed team players and appreciate the important role they play in maintaining the Chicago area as a healthy and productive community;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 9, 1990, as HEALTH CARE TEAM DAY in Illinois and urge all citizens to recognize the valuable achievements of non-clinical health care employees.

Issued by the Governor April 10, 1990.
Filed with the Secretary of State April 16, 1990.

90-168

ILLINOIS CLEAN AND BEAUTIFUL AND
TREE CITY USA MONTH

Whereas, Illinois is rich in natural resources and beauty; and Whereas, each citizen should strive to preserve the natural beauty and ecological balance of the environment through responsible stewardship both individually and collectively, of the air, water, and land of Illinois; and

Whereas, 68 communities have qualified as Tree City USA Communities and have made significant contributions toward enhancing the quality of life by improving the forest resources of Illinois; and

Whereas, the Illinois Clean and Beautiful Program recognizes 29 communities who have been committed to improving the environment by reducing litter, establishing recycling centers, restoring public areas, and promoting civic pride; and

Whereas, the Departments of Commerce and Community Affairs and Conservation are dedicated to assisting these and other communities with providing environmental information and support;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1990 as ILLINOIS CLEAN AND BEAUTIFUL AND TREE CITY USA MONTH in Illinois, and I ask all citizens to work together to preserve the natural beauty of our state this month and throughout the year.

Issued by the Governor April 10, 1990.
Filed with the Secretary of State April 16, 1990.

90-169

JOHN DIVELY, SR. DAY

Whereas, John Dively, Sr. has been providing educational and community service for almost 40 years, including working more than 36 years as a teacher and principal; and

Whereas, his list of achievements covers a variety of areas,

including serving as Region IV President for the Illinois Principals Association and initiating the first Head Start Program and the first State Gifted Program in Charleston schools. In addition, he was president of the Charleston Area Chamber of Commerce and the Mental Health Clinic Board, and in 1979 he was named Outstanding Citizen--Man of the Year; and

Whereas, John Dively, Sr. has served on a number of educational committees, such as the Illinois School Reform Committee, the Illinois Testing Administrative Committee for the Illinois State Board of Education, and the Presidential Search Committee of Eastern Illinois University; and

Whereas, this spring John Dively, Sr. will retire from his distinguished career as an educator and administrator;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 20, 1990, as JOHN DIVELY, SR. DAY in Illinois and applaud the numerous contributions he has made to the community of Charleston and the State of Illinois.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.

90-170

JONES 50TH ANNIVERSARY WEEK

Whereas, Jones Metropolitan High School was the first magnet school that attracted students from all over the Chicago area. It was also the first school to offer a business grooming program and a two-year concentration in a business major; and

Whereas, since 1940, the school has graduated more than 20,000 students who have earned in excess of 28 million dollars through school-sponsored co-operative jobs; and

Whereas, Jones Metropolitan High School was responsible for spearheading the economic redevelopment of the South Loop through the construction of the new Jones school in 1967;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 3-9, 1990, as JONES 50TH ANNIVERSARY WEEK in Illinois in recognition of the contributions the Jones Metropolitan High School has made to Chicago's youth and community.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.

90-171

PLANO MOLDING COMPANY DAY

Whereas, the Plano Molding Company in Plano, Illinois, is the largest manufacturer of fishing tackle boxes in the world; and

Whereas, the Plano Molding Company has been supporting the involvement of Illinois' youth in outdoor recreation opportunities for many years; and

Whereas, for the past four years, the Plano Molding Company

has co-sponsored the Free Fishing Days program with the Illinois Department of Conservation; and

Whereas, the Plano Molding Company has donated more than 1,000 tackle boxes to the participants of Free Fishing Days; Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 8, 1990, as PLANO MOLDING COMPANY DAY in Illinois, in accordance with the first day of the state's 1990 Free Fishing Days celebration. I commend Plano Molding Company on the contributions it has made to outdoor recreation in our state.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.

90-172

STEAMBOAT DAY

Whereas, the Delta Queen Steamboat Co., America's last overnight steamer line and the oldest U.S. flag line, is celebrating a century of romance with the river and the bygone steamboat era; and

Whereas, the company's Steamboat Delta Queen is the only authentic, fully restored paddle wheeler still following traditional steamboat routes along the Mississippi, Ohio, Cumberland, and Tennessee Rivers; and

Whereas, through the routes they travel, the company's Delta Queen and Mississippi Queen steamboats bind the 15 states of Arkansas, Alabama, Illinois, Indiana, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 20, 1990, as STEAMBOAT DAY in Illinois to salute the Delta Queen Steamboat Co. on its 100th year of service.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.

90-173

TRAIL APPRECIATION MONTH

Whereas, Illinois citizens, in increasing numbers, enjoy such outdoor recreational pursuits as hiking, jogging, bicycling, cross-country skiing, horseback riding, and snowmobiling on designated trails; and

Whereas, although such pursuits may occur on local roads and sidewalks, they more appropriately occur within parks and linear greenways on trails--pathways of easy, safe access into and through the Illinois landscape; and

Whereas, Illinois has linear historic canal and railroad rights-of-way that carry magic in their names--Hennepin, Illinois and Michigan, Rock Island, Great Western, Illinois Prairie--and which have been adapted for trail use and, therefore, are still

viable corridors through the state; and

Whereas, recently enacted legislation recognized this potential and has enabled Illinois to vigorously pursue acquisition and development of bike paths and associated greenways; and

Whereas, Illinois has many opportunities for additional trails, particularly in reusing railroad rights-of-way, and faces new thresholds for hiking, bicycling, and other trail uses in the varied landscape of this great state and in keeping with the spirit of Earth Week 1990;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1990 as TRAIL APPRECIATION MONTH in Illinois in recognition of the many and wonderfully diverse recreational trails in Illinois and the committed trail enthusiasts who strive to increase trail opportunities for the public.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.

90-174

VICTIM RIGHTS WEEK

Whereas, despite recent declines in the rate of serious crime committed in Illinois, more than 34 million Americans are affected by criminal violence each year; and

Whereas, the victims of crimes often face serious financial, physical, and psychological injuries; and

Whereas, it is fair and just that victims of crime receive assistance and compensation to help lessen the burden of these injuries; and

Whereas, Illinois has established a Bill of Rights for victims and witnesses of violent crime, as well as programs that provide services to victims; and

Whereas, it is important for all citizens to be aware of the vital services these programs perform for the victims of crime and to express their gratitude for such services;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 22-28, 1990, as VICTIM RIGHTS WEEK in Illinois in conjunction with the national observance. I urge all citizens and institutions to support the establishment and enforcement of victim rights in Illinois through participation in state and local activities commemorating those rights.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.

90-175

VOLUNTEER WEEK

Whereas, throughout Illinois and the nation, volunteers give their time and talents to people and organizations that would not

otherwise receive help; and

Whereas, the millions of Americans who give this service are essential to our country's welfare. Giving unselfishly of their time, they enhance all areas of life and their volunteer service is a major element in building better communities, better states, and a better sense of well-being; and

Whereas, these volunteers are essential for solving human problems, and their willingness to help others without compensation is an important element of life in Illinois;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 22-28, 1990, as VOLUNTEER WEEK in Illinois. I urge all citizens to take pride in their volunteer heritage and to give special recognition to the volunteers and volunteer programs in our communities and our state.

Issued by the Governor April 10, 1990.

Filed with the Secretary of State April 16, 1990.